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FILE NO. 080593

ORDINANCE NO. 101-08
RO#08027
SA#27

[Appropriating $1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008.]

Ordinance appropriating $1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2007-2008.

SOURCES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF LOC – City Facilities Improvement Projects – Local Fund	REC3CXCF04LC CRPCAS IN	30150	Interest Earned – Pooled Cash	$1,141,709
3C XCF LOC – City Facilities Improvement Projects – Local Fund	REC3CXCF04LC CRPSAF IN	30150	Interest Earned – Pooled Cash	147,432
Total SOURCES Appropriation				**$1,289,141**

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Section 2. The uses of funding outlined below are herein appropriated in the Subobject 06700 Buildings, Structures, and Improvement Project – Budget, and reflects the projected uses of funding to support improvements to the California Academy of Sciences for the Recreation and Park Department for Fiscal Year 2007-2008.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF LOC – City Facilities Improvement Projects – Local Fund	REC3CXCF95LC CRPSAF IN	06700 Buildings, Structures, & Improvement Project – Budget	Improvements to California Academy of Sciences	$147,432
3C XCF LOC – City Facilities Improvement Projects – Local Fund	REC3CXCF95LC CRPCAS MP0199	06700 Buildings, Structures, & Improvement Project – Budget	Improvements to California Academy of Sciences	$1,141,709
Total USES Appropriation				**$1,289,141**

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: ____________________

Deputy City Attorney

FUNDS AVAILABLE

BEN ROSENFIELD

Controller

By: ____________________

Date: 04/18/2008

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080593 **Date Passed:**

Ordinance appropriating $1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008.

May 20, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 3, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080593

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 3, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

6 · 11-08
Date Approved

Mayor Gavin Newsom

File No. 080593

Amendment of the Whole
In Board
2/26/08

FILE NO. 071679 ORDINANCE NO. 102-08

[Solar Energy Incentive Program.]

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Environment Code is hereby amended by adding Chapter 18, to read as follows:

Section 18.1 FINDINGS

A. Over the past year the San Francisco Solar Task Force (the "Solar Task Force") was convened by Assessor-Recorder Phil Ting to provide analysis and policy proposals on how best to increase the development of solar energy in San Francisco.

B. The Solar Task Force report noted recent California Energy Commission data that show that average cost per kilowatt of solar energy installed in San Francisco is currently above the average cost of seven surrounding Bay Area counties.

C. According to data collected from the California Energy Commission and the California Public Utilities Commission, San Francisco now ranks last in the Bay Area in terms of the solar energy installed per capita.

D. The San Francisco Public Utilities Commission (the "SFPUC") serves 16% of the City's electrical demand, electric service providers serve 8% and Pacific Gas & Electric serves the remaining 76%. The SFPUC has installed 2 megawatts of solar generating capacity as well as 4 megawatts of

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methane gas cogeneration capacity, which projects have bolstered the in-City renewable energy portfolio. In addition, the SFPUC is supplementing its renewable energy generation portfolio with 25 MW of purchased geothermal generation.

E. The SFPUC is currently undertaking the development of additional large scale renewable energy generation assets within the City with the objectives of expanding and diversifying the renewable energy resources available to City departments and other SFPUC customers, boosting the City's clean energy industry and improving overall in-City energy reliability. However, there is a need for further initiatives to stimulate the growth in the City's supply of renewable energy. ~~The SFPUC is currently undertaking the development of additional large scale renewable energy generation assets within the City, and the development of Community Choice Aggregation, with the objective of expanding and diversifying the renewable energy resources available to City departments and other SFPUC customers, boosting the City's clean energy industry and improving overall in-City energy reliability. However, as the SFPUC's customer base represents just a portion of the City's energy consumption market there is a need for further initiatives to stimulate the growth in the City's supply of renewable energy.~~

F. The SFPUC is pursuing the establishment of Community Choice Aggregation ("CCA") within the City. Implementation of CCA will allow the SFPUC to partner with private enterprise, leverage the purchasing power of a wider customer base and access the capital markets on a broader scale in order to expand its renewable energy generation asset portfolio.

~~F.~~G. *The Solar Task Force recommended implementation of a Solar Energy Incentive Program as one method to address this cost trend, in that an increase in private demand combined with appropriate measures to attract investment in the City's solar manufacturing and installation industries* *over the long term could reduce the overall cost of solar energy as costs of importing such manufacturing technology and installation expertise are reduced or eliminated and economies of scale are introduced to the in-City solar industry.*

~~G.~~H. *A successful solar incentive program would increase the installation of solar power, thus providing greater supply during peak demand times during the day and improving the reliability of in-City generation capacity using clean solar energy.*

~~H.~~I. *The development of a more efficient and cost-effective in-City solar manufacturing and installation industry over the long term would result in savings for the SFPUC's solar projects.*

~~I.~~J. *The City has established a goal of reducing greenhouse gas emissions to 20% below 1990 levels by 2012.*

~~J.~~K. *In view of the City's objectives in addressing the challenge of climate change, the positive benefits for the City's overall power consumption market and the particular benefits for the SFPUC's Power Enterprise, the SFPUC intends to allocate certain power revenues previously budgeted to renewable energy development and energy efficiency projects towards funding the implementation of the solar incentive program described in this Chapter, with the objective of providing an appropriation of $2 million to $5 million annually over the ten years commencing with fiscal year 2008-2009.*

L. The City and the SFPUC intend this program to complement the SFPUC's renewable energy capital programs, including CCA, by attracting additional investment that will expand the development of renewable energy within the City and will spread the costs and risks of that development across a more diverse range of stakeholders.

~~K.~~M. *As a complement to this initiative the SFPUC, the Mayor and the Board of Supervisors intend to pursue the establishment of a stable rate structure for all of the SFPUC's power customers.*

which would enable the SFPUC to become a creditworthy bond issuer and to finance the City's own renewable energy development projects on a more advantageous tax-exempt basis.

Section 18.2 INCENTIVE PAYMENTS.

The Program Administrator shall make incentive payments to applicants in respect of solar systems installed by qualifying applicants on the basis of the provisions of this Chapter, from the funds appropriated to the program from time to time. Applicants must be the owner of the system to be eligible to receive the incentive.

Section 18.3 TYPES OF SYSTEMS ELIGIBLE FOR ASSISTANCE.

(a) ***Photovoltaic panel systems.*** *Photovoltaic panel systems that produce electricity from sunlight, installed on existing single and multifamily residential, commercial, and industrial buildings, with generating capacity of at least one (1) kilowatt are eligible for assistance under this program.*

(b) ***Other systems.*** *The Program Administrator may extend program eligibility to other types of customer-owned distributed renewable energy generation systems, so long as such an extension is accompanied by publication of criteria for allocating incentive payments for such purpose and the limits on such incentives. Such an extension must be accompanied by analysis demonstrating that the projected positive market effects of the incentive on the in-City market for the development of renewable energy and energy efficiency are comparable to those attributes of the photovoltaic panel program.*

(c) No limit on generating capacity. There shall be no maximum generating capacity limitation on systems that are eligible for the incentive.

Section 18.4 LIMITS ON AMOUNTS OF ASSISTANCE.

(a) ***Limits for all types of systems.*** *No applicant may receive assistance in excess of the cost to design, purchase and install the system, net of incentives, rebates, tax credits or other payments*

received from other governmental entities. Regardless of system generating capacity, no applicant may receive assistance in excess of ten thousand dollars ($10,000).

(b) Limits for photovoltaic panel systems for residential property.

(i) Except as further provided in this clause (b), no residential applicant may receive assistance in excess of three thousand dollars ($3,000) toward the cost to design, purchase and install photovoltaic panels. If the property is a multifamily residential project, the applicant may apply for and receive an incentive payment corresponding to each electricity meter served by the system, so long as the system provides each such electricity meter with a generating capacity from the energy generation system sufficient to satisfy the requirements of Section 18.3(a).

(ii) The limit of assistance shall be $4,000 for systems installed by an individual, firm or organization ~~with an~~ whose principal *office or offices* are located *within the City. If in implementing the program the Program Administrator determines that the terms of this clause do not provide the intended stimulus for the in-City installation industry, then the Program Administrator may establish new criteria that it deems more effective in achieving the in-City job creation and installation market objectives of the program.*

(iii) The limit of assistance shall be $5,000 for applicants residing in an Environmental Justice District, as such district or districts are determined by the Program Administrator.

(iv) The limit of assistance shall be $6,000 for systems installed by an individual trained under the City workforce development program. If in implementing the incentive program the Program Administrator determines that the terms of this clause do not provide the intended stimulus for the succesful placement of workers trained under the City's workforce development program, then the Program Administrator may establish new criteria that it deems more effective in achieving such objectives of the program.

(c) Limits for photovoltaic panel systems for commercial, industrial or manufacturing property. No applicant may receive assistance in excess of $1,500 per kilowatt of electric power a photovoltaic panel system is designed to generate.

(d) Adjustments in limits.

(i) The Program Administrator may adjust limits on the incentives paid for systems installed on commercial, industrial or manufacturing property upon a finding that such an adjustment advances the objectives of the program. Such adjustments may include an increase in the limit on the incentive paid in respect of (A) systems installed within an Environmental Justice District or (B) systems installed by an individual, firm or organization with an office or offices within the City (or bearing some other linkage to the in-City installation market as deemed appropriate by the Program Administrator).

(ii) Upon a demonstration of a reduction in average costs of solar improvements, including but not limited to an increase in incentives, rebates, tax credits or other payments provided by other government entities that serve to reduce the system costs borne by the consumer, the SFPUC shall have the discretion to decrease the limits set forth above by an amount reflective of the reduced need for the incentive payments.

(iii) With the concurrence of the Board of Supervisors, the Program Administrator may increase any of the limits set forth in this Section in connection with efforts to stimulate the development of a competitive in-City solar market, such as the establishment of an in-City photovoltaic panel ~~manufacturing~~ production *facility.*

Section 18.5 ALLOCATION OF PROGRAM FUNDING AMONG TYPES OF BUILDINGS.

For each year of this program, available funds shall be allocated on a first come, first served basis regardless of the type of applicant.

Section 18.6 PROGRAM ADMINISTRATION.

(a) The program will be administered by the Program Administrator, which shall be the SFPUC, acting by and through its Power Enterprise. SFPUC shall coordinate administration of the Solar Energy Incentive Program with the implementation and administration of CCA to maximize its efficiency in achieving the renewable energy expansion goals contemplated under CCA.

(b) The Program Administrator shall develop rules and application procedures.

(c) The Program Administrator shall establish reasonable eligibility criteria for the incentive payments so that the program is available to all applicants within the City regardless of their customer relationship with any particular electric service provider. For ease of administration these criteria shall be deemed satisfied when an applicant provides appropriate evidence that the applicant is entitled to payments under the California Solar Initiative as authorized by the California Public Utilities Commission and the State of California under SB1 (Chapter 132, Statutes of 2006) (as such program may be amended from time to time, the "California Solar Initiative"); provided, however, that demonstrating eligibility for the California Solar Initiative shall not be the sole means of establishing eligibility. The Program Administrator shall also establish reasonable and clear eligibility criteria for approving incentive payments to applicants who are not beneficiaries of the California Solar Initiative, which criteria shall include (but are not limited to) confirmation that the applicant has installed the system in compliance with all applicable laws, including Department of Building Inspection inspection and approvals. ~~The Program Administrator shall not disburse any funds to an applicant unless the applicant provides appropriate evidence that the applicant is entitled to payments under the California Solar Initiative as authorized by the California Public Utilities Commission and the State of California under SB1 (Chapter 132, Statutes of 2006) (as such program may be amended from time to time, the "California Solar Initiative"). In the event that~~

~~the applicant is not eligible for the California Solar Initiative or such program is otherwise unavailable for the system in question the Program Administrator shall determine other reasonable eligibility criteria for approving incentive payments, including evidence that the applicant has installed the system in compliance with all applicable laws, including Department of Building Inspection inspection and approvals.~~

(d) If there are applications for assistance in excess of appropriated funds, the Program Administrator shall grant applications in the order they were filed. The Program Administrator shall develop a reservation system which will allow applicants to request that the Program Administrator reserve funds for a proposed project. Such reservation system may be patterned after that utilized by the California Solar Initiative.

(e) The Program Administrator shall maintain annual program funding as identified within the SFPUC Power Enterprise budget as the Solar Energy Incentive Fund. At the end of each fiscal year, any program funds that were not expended shall be carried forward to the next fiscal year. Upon a finding as to the continuing effectiveness of the Solar Energy Incentive program in achieving its objectives such funds shall be appropriated then or thereafter for the purposes specified in this Chapter.

(f) The Program Administrator shall determine and implement payment procedures for incentives under the program. Such payment procedures may include the option to make payments on applicants' behalf directly to installers or other contractors in connection with their work on the system. Such payments shall not be considered contracts or grants of the City for any City procedural contracting ordinances, and no requirements shall be imposed as a condition of receipt of such incentive payments aside from those specifically referenced in this ordinance and as necessary to protect the City from legal liabilities and promote the goals of this ordinance.

(g) The Program Administrator shall monitor the effective costs of renewable energy system installation and other related market information for purposes of making the adjustments described in Section 18.4(~~f~~d)(ii).

(h) The Program Administrator shall establish boundaries for any Environmental Justice District identified for purposes of Section 18.4(b)(iii). Any such district shall satisfy the goals, objectives and definitions of environmental justice and Environmental Justice Districts, as such concepts are set forth at any given time under state and local law.

(i) The Program Administrator shall submit to the Board of Supervisors a report evaluating the first year of program operation, within 90 days after the end of the first year. The report shall provide an analysis of the impacts of the program, including, without limitation, the number and location by district of the projects funded, the amount of energy generated by the projects, and the amount of time and money spent on program administration. The report shall evaluate the economic and other benefits of the program and provide a cost-benefit analysis. The data and analysis presented in this report shall inform future program funding, operation, and amendments.

(j) In the context of funding appropriations for this program in future years, the Board of Supervisors will

(i) Consider the Program Administrator's first-year report, identified in subsection 18.6 (i) above;

(ii) Review and approve the Environmental Justice District boundaries established by the Program Administrator pursuant to subsection 18.6 (h);

(iii) Review and approve any new or modified criteria or incentives established by the Program Administrator.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
Theresa L. Mueller
Deputy City Attorney

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 071679 **Date Passed:**

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator.

February 26, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

February 26, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Peskin, Sandoval
Noes: 3 - Daly, McGoldrick, Mirkarimi
Excused: 1 - Dufty

March 4, 2008 Board of Supervisors — RE-REFERRED: Rules Committee

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Sandoval

June 3, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Noes: 4 - Daly, McGoldrick, Mirkarimi, Peskin

June 10, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 3 - Daly, McGoldrick, Peskin

File No. 071679

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 10, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6-18-08
Date Approved

Mayor Gavin Newsom

FILE NO. 080514 ORDINANCE NO. 103-08

[Increasing Street Artist Certificate Fee and Increasing Rate of Compensation of the Advisory Committee of Street Artists and Crafts Examiners]

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2402 to increase the rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners, and making environmental findings.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ____________ and is incorporated herein by reference.

Section 2. The San Francisco Police Code is hereby amended by amending Section 2404.1, to read as follows:

SEC. 2404.1. STREET ARTIST CERTIFICATE: FEE.

Pursuant to the provisions of Proposition K, adopted by the voters at an election held on November 8, 1983, the Board of Supervisors hereby establishes the fee for a Street Artist Certificate to be as follows: ~~*For the period beginning 30 days after enactment of this ordinance through June 30, 2004*~~ *Beginning July 1, 2008*, the fee for a quarterly Street Artist Certificate shall be ~~*$93.40*~~ *$133.07* and said certificate shall be valid for a period of three months from the date of issuance; except that any person certified as a street artist pursuant to the provisions of this Article shall have the option of purchasing for ~~*$373.60*~~ *$532.28* an annual certificate valid for a

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period of one year from the date of issuance. ~~*For the period from July 1, 2004 through June 30, 2005, the fee for a quarterly certificate shall be $99.10 and the fee for an annual certificate shall be $396.40. Beginning on July 1, 2005, the fee for a quarterly certificate shall be $104.80 and the fee for an annual certificate shall be $419.20.*~~

Section 3. The San Francisco Police Code is hereby amended by amending Section 2404.2, to read as follows:

SEC. 2402. COMPENSATION OF ADVISORY COMMITTEE.

Pursuant to the provisions of Section 2 of Proposition "L," the compensation of the appointive members of the Advisory Committee of Street Artists and Crafts~~*men*~~ Examiners shall be as follows:

(a) A member shall receive ~~*$80.00*~~ *$100.00* plus reasonable travel expenses for each meeting of the Advisory Committee actually attended by said member for 50 percent of each meeting of four or more hours.

(b) A member shall receive ~~*$80.00*~~ *$100.00* plus reasonable travel expenses for each visit to the studio or workshop of a certified street artist or an applicant for a Street Artist Certificate for the purpose of viewing the applicant's facilities and verifying that the art or craft item for which the applicant seeks certification is his or her own creation or those of his or her family unit, for an assignment of monitoring or inspecting street artist wares being sold in public locations, or for the performance of such other function as shall from time to time be deemed appropriate by the Arts Commission.

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(c) In no event shall the aggregate amount paid each member exceed 35 meetings/studio visits or ~~*$2,800.00*~~ *$3,500.00* per year excluding reimbursement for reasonable travel expenses. For the purposes of this section, the term "reasonable travel expenses" shall include travel to and from a member's office or home.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Adine Varah
ADINE K. VARAH
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080514 **Date Passed:**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2402 to increase the rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners, and making environmental findings.

June 3, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

June 10, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

File No. 080514

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 10, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6-18-08
Date Approved

Mayor Gavin Newsom

File No. 080514

FILE NO. 080591 ORDINANCE NO. 104-08

[Local Business Enterprise and Non-Discrimination in Contracting Bonding and Financial Assistance Program.]

Ordinance extending the term of the bonding assistance program to end on the earlier of (1) June 30, 2013 or (2) the date on which the Controller is no longer able to certify the availability of funds for any new guarantee agreement.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 14B.16, to read as follows:

SECTION 14B.16. BONDING AND OTHER ASSISTANCE.

(A) Bonding and Financial Assistance Program.

(1) Program Description. The City and County of San Francisco, acting through the Commission, intends to provide guarantees to private bonding companies and financial institutions in order to induce those entities to provide required bonding and financing to eligible contractors and subcontractors bidding on and performing City public work and construction contracts. This bonding and financial assistance program is subject to the provisions of this Section 14B.16(A).

(2) Eligible Contracts. The assistance described in this Section 14B.16(A) shall be available for any City public works or construction contract to which this Ordinance applies.

(3) Eligible Businesses. Businesses must meet the following criteria to qualify for assistance under this Section 14B.16(A).

(a) The business may be either a prime contractor or subcontractor; and

Supervisors Elsbernd and Maxwell , Chu, Dufty
BOARD OF SUPERVISORS

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(b) The business must be certified by the Director as an LBE according to the requirements of Section 14B.3;

(c) The business may be required to participate in a "bonding assistance training program" as offered by the Commission, which is anticipated to provide the following:

(i) Bond application assistance,

(ii) Assistance in developing financial statements,

(iii) Assistance in development of a pre-bond surety profile,

(iv) Identification of internal financial control systems, and

(v) Development of accurate financial reporting tools.

(4) Agreements Executed by the Human Rights Commission. The Director is hereby authorized to enter into the following agreements in order to implement the bonding and financial assistance program described in this Section 14B.16(A):

(a) With respect to a surety bond, the agreement to guaranty up to 40 percent of the face amount of the bond or $750,000, whichever is less;

(b) With respect to a construction loan to be made to a contractor or subcontractor, an agreement to guaranty up to 50 percent of the original principal amount of the construction loan or 50 percent of the actual loss suffered by the financial institution as a result of a loan default, whichever is less; provided that in any event the City's obligations with respect to a guaranty shall not exceed $750,000;

(c) Any other documents deemed necessary by the Director to carry out the objectives of this program, provided that such documents shall be subject to review and approval by the City Attorney's Office.

(5) Monitoring and Enforcement. The Director shall maintain records on the use and effectiveness of this program, including but not limited to (1) the identities of the businesses

and bonding companies participating in this program, (2) the types and dollar amounts of public work contracts for which the program is utilized, and (3) the types and dollar amounts of losses which the City is required to fund under this program. The Director shall submit written reports to the Board of Supervisors every six months beginning January 1, 2007, advising the Board of the status of this program and its funding capacity, and an analysis of whether this program is providing to be useful and needed.

(6) Funding and Accounts. As of September 1, 2006, funding for this program may be derived from the following sources:

(a) The Board of Supervisors has appropriated or will appropriate funds for the operation of this program.

(b) Each Department authorized to contract for public works or improvements pursuant to San Francisco Administrative Code Chapter 6 may commit to this program up to ten percent (10%), but not less than one percent (1%), of the budget for every public work or improvement undertaken. (A "public work or improvement" is defined in San Francisco Administrative Code Chapter 6.).

(c) The Treasurer of the City and County of San Francisco is hereby authorized to negotiate a line(s) of credit or any credit enhancement program(s) or financial products(s) with a financial institution(s) to provide funding; the program's guaranty pool may serve as collateral for any such line of credit.

In the event the City desires to provide credit enhancement under this Subsection for a period in excess of one fiscal year, the full aggregate amount of the City's obligations under such credit enhancement must be placed in a segregated account encumbered solely by the City's obligations under such credit enhancement.

(7) Term of Bonding Assistance Program. The Director is authorized to enter into the agreements described in this Subsection for a period ending on the earlier of (1) June 30, ~~2008~~ *2013* (2) the date on which the Controller is no longer able to certify the availability of funds for any new guarantee agreement.

(8) Default on Guarantees. The Human Rights Commission shall decertify any contractor that defaults on a loan or bond for which the City has provided a guarantee on the contractor's behalf. However, the Human Rights Commission may in its sole discretion refrain from such decertification upon a finding that the City has contributed to such default.

(B) Education and Training. The Director shall continue to develop and to strengthen education and training programs for LBEs and City contract awarding personnel.

(C) Cooperative Agreements. With the approval of the Commission and the Board of Supervisors, the Director may enter into cooperative agreements with agencies, public and private, concerned with increasing the use of LBEs in government contracting.

(Added by Ord. 92-06, File No. 050784, App. 5/11/2006)

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ______________________
Alicia Cabrera
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102-4689

File Number: 080591 **Date Passed:**

Ordinance extending the term of the bonding assistance program to end on the earlier of (1) June 30, 2013 or (2) the date on which the Controller is no longer able to certify the availability of funds for any new guarantee agreement.

June 3, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 10, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080591

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 10, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6-18-08
Date Approved

Mayor Gavin Newsom

Amendment of the whole
in committee. 05/21/08

FILE NO. 080606 ORDINANCE NO. 105-08

[Revising Board of Appeals Surcharges.]

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the Taxi Commission, the Police Department, the Department of Public Works, the Entertainment Commission, and the Department of Public Health for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 10G.1, to read as follows:

SEC. 10G.1. SURCHARGE IMPOSED; CATEGORIES OF PERMITS AND FEES.

In order to recover the cost to the City and County for the Board of Appeals permit review functions, at the time a fee for permit application, issuance, or review is collected, and at the time an annual fee for renewal of the permit or license associated with the permit is collected, a surcharge in the amount specified shall be charged and collected for the following categories of permits and fees.

(a) For fees imposed by the Department of City Planning pursuant to San Francisco Planning Code Sections 351(h), 352(a), (except for fees imposed for hearings on Conditional Uses under Section 303 or Planned Unit Developments under Section 304, 353(a), 353(b),

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353(c), or 355 for review of permits that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~*$13.00*~~ *$18.50*;

(b) For permits issued pursuant to San Francisco Building Code Section 110A: Tables ~~1-A, 1-F,~~ 1A-A~~,~~; 1A-F, Item 3; ~~1-H, 1-K~~1A-H~~,~~; 1A-K, Item 8~~,~~; or ~~1-Q~~ 1A-Q, Item 5; that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~*$13.00*~~ *$18.50*;

(c) For permits issued pursuant to the San Francisco Public Works Code that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~*$1.00*~~ *$2.50*;

(d) For permits specified in San Francisco Police Code Section 2.26 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~*$10.00*~~ *$18.00* for such permits issued by the Police Department, and a surcharge of ~~*$3.00*~~ $5.00 for such permits issued by the Entertainment Commission;

(e) For permits specified in San Francisco Police Code Section 2.26.1 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~*$3.00*~~ *$2.50*;

(f) For annual license fees specified in San Francisco Police Code Section 2.27 for permits that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~*$10.00*~~ *$18.00* for such permits issued by the Police Department and a surcharge of ~~*$3.00*~~ *$5.00* for such permits issued by the Entertainment Commission;

(g) For annual license fees specified in San Francisco Police Code Section 2.27.1 for permits that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~*$3.00*~~ *$2.50*;

(h) For permits issued pursuant to San Francisco Health Code Section 1009.53 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, and annual permit fees pursuant to San Francisco Health Code Section 1009.54 and Business and Tax Regulations Code Section 249.16, a surcharge of ~~*$26.00*~~ *$32.00*.

~~*(i) For permits issued pursuant to San Francisco Health Code Section 3307 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106 and San Francisco Health Code Section 3317, and annual license fees pursuant to San Francisco Health Code Section 3318 and Business and Tax Regulations Code Section 249.20, a surcharge of $109.00.*~~

Section 2. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 080606 and is incorporated herein by this reference.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
CATHARINE S. BARNES
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080606 **Date Passed:**

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the Taxi Commission, the Police Department, the Department of Public Works, the Entertainment Commission, and the Department of Public Health for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

June 3, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 10, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080606

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 10, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

6-18-08
Date Approved

Mayor Gavin Newsom

Amendment of the whole
in Board
6/10/08

FILE NO. 080630 ORDINANCE NO. 106-08

[Solar Energy Incentive Pilot Program.]

Ordinance creating a Solar Energy Incentive Pilot Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; ~~and~~ imposing duties and responsibilities on the program administrator; and establishing requirements applicable to the long-term solar incentive program.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Environment Code is hereby amended by amending Chapter 18 to add Section 18.7 to read ~~Board Of Supervisors finds and declares~~ as follows:

Section 18.7-1 FINDINGS

~~A. Over the past year a San Francisco Solar Task Force (the "Solar Task Force") was convened to provide analysis and policy proposals on how best to increase the development of solar energy in San Francisco.~~

~~B. The Solar Task Force report noted recent California Energy Commission data that show that average cost per kilowatt of solar energy installed in San Francisco is currently above the average cost of seven surrounding Bay Area counties.~~

~~C. According to data collected from the California Energy Commission and the California Public Utilities Commission, San Francisco now ranks last in the Bay Area in terms of the solar energy installed per capita.~~

~~D. The San Francisco Public Utilities Commission (the "SFPUC") serves 16% of the City's electrical demand, electric service providers serve 8% and Pacific Gas & Electric~~

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~~serves the remaining 76%. The SFPUC has installed 2 megawatts of solar generating capacity as well as 4 megawatts of methane gas cogeneration capacity, which projects have bolstered the in-City renewable energy portfolio. In addition, the SFPUC is supplementing its renewable energy generation portfolio with 25 MW of purchased geothermal generation.~~

~~E. The SFPUC is currently undertaking the development of additional large scale renewable energy generation assets within the City with the objectives of expanding and diversifying the renewable energy resources available to City departments and other SFPUC customers, boosting the City's clean energy industry and improving overall in-City energy reliability. However, there is a need for further initiatives to stimulate the growth in the City's supply of renewable energy.~~

~~F. The SFPUC is pursuing the establishment of Community Choice Aggregation ("CCA") within the City. Implementation of CCA will allow the SFPUC to partner with private enterprise, leverage the purchasing power of a wider customer base and access the capital markets on a broader scale in order to expand its renewable energy generation asset portfolio.~~

~~G. The Solar Task Force recommended implementation of a Solar Energy Incentive Program as one method to address this cost trend, in that an increase in private demand combined with appropriate measures to attract investment in the City's solar manufacturing and installation industries over the long term could reduce the overall cost of solar energy as costs of importing such manufacturing technology and installation expertise are reduced or eliminated and economies of scale are introduced to the in-City solar industry.~~

~~H. A successful solar incentive program would increase the installation of solar power, thus providing greater supply during peak demand times during the day and improving the reliability of in-City generation capacity using clean solar energy.~~

~~I. The development of a more efficient and cost-effective in-City solar manufacturing and installation industry over the long term would result in savings for the SFPUC's solar projects.~~

~~J. The City has established a goal of reducing greenhouse gas emissions to 20% below 1990 levels by 2012.~~

~~K. In view of the City's objectives in addressing the challenge of climate change, the positive benefits for the City's overall power consumption market and the particular benefits for the SFPUC's Power Enterprise, the SFPUC intends to allocate certain power revenues previously budgeted to renewable energy development and energy efficiency projects towards funding the implementation of the solar incentive program described in this Chapter, with the objective of providing an appropriation of $2 million to $5 million annually over the ten years commencing with fiscal year 2008-2009.~~

~~L. The City and the SFPUC intend this program to complement the SFPUC's renewable energy capital programs, including CCA, by attracting additional investment that will expand the development of renewable energy within the City and will spread the costs and risks of that development across a more diverse range of stakeholders.~~

~~M. As a complement to this initiative the SFPUC, the Mayor and the Board of Supervisors intend to pursue the establishment of a stable rate structure for all of the SFPUC's power customers, which would enable the SFPUC to become a creditworthy bond issuer and to finance the City's own renewable energy development projects on a more advantageous tax-exempt basis.~~

~~N. Establishing a one-year pilot program capped at $1 million will enable the city to immediately implement this program and evaluate the effectiveness of the program before deciding how or whether to continue the program.~~

A. California has set a goal to create 3,000 megawatts (MW) of new, solar-produced electricity by 2017, moving the state toward a cleaner energy future and helping lower the cost of solar systems for consumers.

B. The California Public Utilities Commission, through its California Solar Initiative (CSI), provides $2.2 Billion in incentives over the next decade for existing residential homes and existing and new commercial, industrial, and agricultural properties of which 10% will be set aside to assist installation of solar for low-income residents and affordable housing developments.

C. On November 17, 2007, the CPUC adopted the CSI Single-Family Low-Income Incentive Program. The Single-Family Low-Income Incentive Program will provide incentives for solar PV systems from $4.75 to $7.00 per watt to qualifying low-income homeowners. The Program will also provide full-subsidy systems to very low-income households who financed their home through local, state and federal housing assistance programs and whose household income is at or below the 50 percent of the area median income.

D. The CSI Single-Family Low-Income Program will not begin accepting applications until after a statewide Program Manager has been selected. A Request For Proposals for the CSI Single-Family Low-Income Program Manager was released on April 16th, 2008 and the final date for Proposal submission is May 28th, 2008. Once the Program Manager is selected, the Single-Family Low-Income Program will be implemented throughout the state of California and will assist applicants in determining their individual eligibility.

E. Establishing a one-year pilot program will enable the City to immediately implement this program and evaluate the effectiveness of the program and determine the best policy for allocation of public funds before deciding how or whether to continue the program.

Section 18.7-2. INCENTIVE PAYMENTS.

(a) A pilot program is established for a period of one-year from the date of this ordinance. The incentives paid under this program shall not exceed ~~$1 million~~ the amounts set forth in Section 18.7-5 below.

(b) Applicants must be the owner of a system installed on or after ~~March 4, 2008~~December 11, 2007, to be eligible to receive the incentive.

Section 18.7-3. TYPES OF SYSTEMS ELIGIBLE FOR ASSISTANCE.

(a) **Photovoltaic panel systems.** Photovoltaic panel systems that produce electricity from sunlight, installed on existing ~~single and multifamily~~ residential buildings, with generating capacity of at least one (1) kilowatt are eligible for assistance under this program.

(b) **Other systems.** The Program Administrator may extend program eligibility to customer-owned distributed renewable energy generation systems other than photovoltaic panel systems, so long as such an extension is accompanied by publication of criteria for allocating incentive payments for such purpose and the limits on such incentive. Such an extension must be accompanied by analysis demonstrating that the projected positive market effects of the incentive on the in-City market for the development of renewable energy and energy efficiency are comparable to those attributes of the photovoltaic panel program.

(c) No limit on generating capacity. There shall be no maximum generating capacity limitation on systems that are eligible for the incentive.

Section 18.7-4. LIMITS ON AMOUNTS OF ASSISTANCE.

(a) **Limits for all types of systems.** No applicant may receive assistance in excess of the cost to design, purchase and install the system, net of incentives, rebates, tax credits or other payments received from other governmental entities.

(b) **Limits for photovoltaic panel systems.**

(i) Except as further provided in this clause (b), no residential applicant may receive assistance in excess of three thousand dollars ($3,000) toward the cost to design, purchase and install photovoltaic panels. If the property is a multifamily residential project, the applicant may apply for and receive an incentive payment corresponding to each electricity meter served by the system, so long as the system provides each such electricity meter with a generating capacity from the energy generation system sufficient to satisfy the requirements of Section 18.7-3(a).

(ii) The limit of assistance shall be $4,000 for systems installed by an individual, firm or organization whose principal office or offices are located within the City. If in implementing the program the Program Administrator determines that the terms of this clause do not provide the intended stimulus for the in-City installation industry, then the Program Administrator may establish new criteria that it deems more effective in achieving the in-City job creation and installation market objectives of the program.

(iii) The limit of assistance shall be $5,000 for applicants residing in an Environmental Justice District, as such district or districts are determined by the Program Administrator, or for applicants that are recipients of the California Public Utilities Commission's CARE (California Alternative Rates for Energy) rates that provide rate discounts for qualified low or fixed income households, or for building owners that are recipients of the California Department of Housing and Community Development's CalHome loan program, which provides low-interest, deferred rehabilitation loans to low-income homeowners.

~~(iii)~~(iv) CARE and CalHome participants or participants in the CPUC Low Income program under CSI, as well as households with incomes that are certified by the Mayor's

Office of Housing pursuant to Section 18.7-5, shall be eligible for an additional $5000, subject to the limitations of Section 18.7-4(a) above.

~~(iv)~~(v) The limit of assistance shall be $6,000 for systems installed by individuals trained through the City's workforce development system. The Department of Economic & Workforce Development, which directs the City's overall workforce development efforts, will be responsible for developing and ensuring compliance with workforce criteria for this incentive program. These criteria may include, but are not limited to: a minimum requirement for hours worked on the solar installation by an individual hired through the City workforce development system; a requirement that individuals hired through the City workforce development system perform skilled work on the installation; workforce training program or system prioritization of San Francisco residents who are low income and/or have barriers to employment; and other standards for workforce system programs. If in implementing the incentive program, the Program Administrator and the Department of Economic and Workforce Development determine that the terms of this clause do not provide the intended stimulus for the successful placement of workers trained under local workforce development programs, then the Program Administrator in coordination with the Department of Economic and Workforce Development may establish new criteria that it deems more effective in achieving such objectives of the program.

(c) Limits for photovoltaic panel systems for non-residential buildings owned by non-profits ~~owned by non-profits~~. No applicant may receive assistance in excess of $1,500 per kilowatt of electric power a photovoltaic panel system is designed to generate.

(d) Limits for photovoltaic panel systems for multi-unit residential buildings that are owned and operated by non-profit organizations. No applicant may receive assistance in excess of $4,500 per kilowatt of electric power a photovoltaic panel system is designed to generate. Regardless of system generating capacity, no applicant may receive assistance in excess of thirty thousand dollars ($30,000).

(e) Adjustments in limits.

(i) If the program is continued after the one-year pilot, the Program Administrator may adjust limits on the incentives paid for systems installed on commercial, industrial or manufacturing property upon a finding that such an adjustment advances the objectives of the program. Such adjustments may include an increase in the limit on the incentive paid in respect of (A) systems installed within an Environmental Justice District or (B) systems installed by an individual, firm or organization with an office or offices within the City (or bearing some other linkage to the in-City installation market as deemed appropriate by the Program Administrator).

(ii) Upon a demonstration of a reduction in average costs of solar improvements, including but not limited to an increase in incentives, rebates, tax credits or other payments provided by other government entities that serve to reduce the system costs borne by the consumer, the SFPUC shall have the discretion to decrease the limits set forth above by an amount reflective of the reduced need for the incentive payments.

(iii) With the concurrence of the Board of Supervisors, the Program Administrator may increase any of the limits set forth in this Section in connection with efforts to stimulate the development of a competitive in-City solar market, such as the establishment of an in-City photovoltaic panel production facility.

Section 18.7-5. ALLOCATION OF PROGRAM FUNDING AMONG TYPES OF BUILDINGS.

For this pilot program, funds shall be allocated as follows: $~~500,000~~1,500,000 to ~~multi-unit residential~~ buildings that are owned and operated by non-profit organizations~~;~~ or

~~$250,000 to~~ single and multifamily residential applicants that are certified by the Mayor's Office of Housing as earning at or below the San Francisco median income or CARE and CalHome participants or participants in the CPUC Low Income program under CSI.~~; $250,000 to non-residential buildings that are owned by non-profit organizations~~; and $1,500,000 to ~~single and multifamily residential, commercial and industrial buildings with generating capacity of at least one (1) kilowatt.~~

Section 18.7-6. PROGRAM ADMINISTRATION.

(a) The program will be administered by the Program Administrator, which shall be the SFPUC, acting by and through its Power Enterprise. SFPUC shall coordinate administration of the Solar Energy Incentive Pilot Program with the implementation and administration of CCA to maximize its efficiency in achieving the renewable energy expansion goals contemplated under CCA.

(b) The Program Administrator shall develop rules and application procedures.

(c) The Program Administrator shall establish reasonable eligibility criteria for the incentive payments so that the program is available to all applicants within the City regardless of their customer relationship with any particular electric service provider. For ease of administration these criteria shall be deemed satisfied when an applicant provides appropriate evidence that the applicant is entitled to payments under the California Solar Initiative as authorized by the California Public Utilities Commission and the State of California under SB1 (Chapter 132, Statutes of 2006) (as such program may be amended from time to time, the "California Solar Initiative"); provided, however, that demonstrating eligibility for the California Solar Initiative shall not be the sole means of establishing eligibility. The Program Administrator shall also establish reasonable and clear eligibility criteria for approving incentive payments to applicants who are not beneficiaries of the California Solar Initiative, which criteria shall include (but are not limited to) confirmation that the applicant has installed the system in compliance with all applicable laws, including Department of Building Inspection inspection and approvals.

(d) If there are applications for assistance in excess of appropriated funds, the Program Administrator shall grant applications in the order they were filed. The Program Administrator shall develop a reservation system which will allow applicants to request that the Program Administrator reserve funds for a proposed project. Such reservation system may be patterned after that utilized by the California Solar Initiative.

(e) The Program Administrator shall determine and implement payment procedures for incentives under the program. Such payment procedures may include the option to make payments on applicants' behalf directly to installers or other contractors in connection with their work on the system. Such payments shall not be considered contracts or grants of the City for any City procedural contracting ordinances, and no requirements shall be imposed as a condition of receipt of such incentive payments aside from those specifically referenced in this ordinance and as necessary to protect the City from legal liabilities and promote the goals of this ordinance.

(f) The Program Administrator shall monitor the effective costs of renewable energy system installation and other related market information for purposes of making the adjustments described in Section 18.7-4(e)(i).

(g) The Program Administrator shall establish boundaries for any Environmental Justice District identified for purposes of Section 18.7-4(b)(iii). Any such district shall satisfy the goals, objectives and definitions of environmental justice and Environmental Justice Districts, as such concepts are set forth at any given time under state and local law.

(h) The Program Administrator shall submit to the Board of Supervisors a status report on the first six-months of the pilot program, within 45 days of the end of the first six months of the program. The Program Administrator may submit an interim status report upon the exhaustion of either of the funding pools described in Section 18.7-5 and shall otherwise provide written monthly status reports.

(i) The Program Administrator shall submit to the Board of Supervisors a report evaluating the one-year pilot program, within 90 days after the end of the first year. The report shall provide an analysis of the impacts of the program, including, without limitation, the number and location by district of the projects funded, the amount of energy generated by the projects, and the amount of time and money spent on program administration. The report shall evaluate the economic and other benefits of the program and provide a cost-benefit analysis. The data and analysis presented in this report shall inform future program funding, operation, and amendments.

(j) In the context of considering appropriations for a solar incentive program in future years, the Board of Supervisors will

(i) Consider the Program Administrator's first-year report, identified in subsection 18.~~6~~7-6(i) above;

(ii) Review and approve the Environmental Justice District boundaries established by the Program Administrator pursuant to subsection 18.~~6~~7-6(h);

(iii) Review and approve any new or modified criteria or incentives established by the Program Administrator.

Section 18.7-7. Modifications to the Long-Term Solar Energy Incentive Program

(a) This one-year pilot program shall be in addition to the long-term solar energy incentive program established by Ordinance No. ____, in File No. 071679.

(b) The monthly and six-month reports established in Section 18.7-6(h) of this Ordinance shall be applicable to the long-term solar energy incentive program established by Ordinance No. ______, in File No. 071679.

(c) The incentive payment limits established in Sections 18.7-4(b)(iii), (iv), and (v) of this Ordinance shall be applicable to the long-term solar energy incentive program established by Ordinance No. ______, in File No. 071679.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:______________________
Theresa L. Mueller
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080630 **Date Passed:**

Ordinance creating a Solar Energy Incentive Pilot Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; imposing duties and responsibilities on the program administrator; and establishing requirements applicable to the long-term solar incentive program.

June 3, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, McGoldrick

June 3, 2008 Board of Supervisors — CONTINUED AS AMENDED

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Chu, Dufty, Elsbernd

June 10, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

June 10, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

June 17, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Maxwell

File No. 080630

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 17, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6-24-08

Date Approved

Mayor Gavin Newsom

FILE NO. 080605 ORDINANCE NO. 107-08

[Motor vehicles for hire; permit application and license renewal fees.]

Ordinance amending the San Francisco Police Code by amending Sections 2.26.1 and 2.27.1, to increase certain motor vehicle for hire permit application and license renewal fees.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by amending Sections 2.26.1 and 2.27.1, to read as follows:

SEC. 2.26.1. SCHEDULE OF PERMITS AND FILING FEES.

Notwithstanding the provisions of Section 1085 of this Code, the following filing fees, payable in advance to the Taxi Commission, are required when submitting applications for Motor Vehicle for Hire permits to the Taxi Commission:

TYPE OF PERMIT	FILING FEE	
Color scheme, new		
1-5 medallions	~~*$865.70*~~	*$1,225.00*
6-15 medallions	~~*1,730.30*~~	*1,796.00*
16-49 medallions	~~*3,461.70*~~	*3,595.00*
50 or more medallions	~~*4,326.30*~~	*4,492.00*
Color scheme change	~~*288.20*~~	*413.00*
Interurban bus	268.00	
Jitney bus driver	53.00	
Jitney bus owner	268.00	

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Lost medallion	~~172.70~~	246.00
Metallic medallion	~~34.10~~	48.00
Motorized rickshaw	268.00	
Public convenience and necessity application	~~346.50~~	343.00
Public passenger vehicle driver	~~74.80~~	78.00
Ramped taxicab	~~115.50~~	520.00
Sightseeing bus	268.00	
Taxicab	~~634.70~~	1,264.00
Taxicab radio dispatch service	~~2,884.20~~	3,859.00

SEC. 2.27.1. SCHEDULE OF LICENSE FEES FOR MOTOR VEHICLE FOR HIRE PERMITS.

Notwithstanding the provisions of Section 1085 of this Code, the following license fees are payable to the Tax Collector for permits issued by the Taxi Commission and, when applicable, for their renewal:

Note: All license fees are at an annual rate unless otherwise indicated.

TYPE OF PERMIT	LICENSE FEE	
Color scheme, new		
1-5 medallions	~~$576.40~~	$811.00
6-15 medallions	~~1,153.90~~	1,339.00
16-49 medallions	~~2,307.80~~	3,319.00
50 or more medallions	~~2,884.20~~	4,149.00
Interurban bus	277.00	
Jitney bus driver	58.00	

Jitney bus owner	277.00	
Motorized rickshaw	277.00	
Public passenger vehicle driver	~~*51.70*~~	*54.00*
Ramped taxicab	~~*115.50*~~	*166.00*
Sightseeing bus	277.00	
Taxicab	~~*658.00*~~	*957.00*
Taxicab radio dispatch service	~~*2,884.20*~~	*4,264.00*

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Thomas J. Owen
THOMAS J. OWEN
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080605 **Date Passed:**

Ordinance amending the San Francisco Police Code by amending Sections 2.26.1 and 2.27.1 to increase certain motor vehicle for hire permit application and license renewal fees.

June 10, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 17, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

File No. 080605

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 17, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6-24-08

Date Approved

Mayor Gavin Newsom

FILE NO. 080628 ORDINANCE NO. 108-08

[Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit, entitled City And County Of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148) in the amount of $510,000 paid to San Francisco by Competent Builders, Inc., and its subcontractors.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled City And County Of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274, on the following terms:

- Competent Builders, Inc. ("Competent") and its subcontractors will deposit a total of $510,000 into a Settlement Fund Account, administered by Wells Fargo Bank, which settlement funds shall be used for the purpose of performing corrective and repair work at the facility known as the Portsmouth Square Recreation Center; The corrective and repair work shall be performed pursuant to design and construction and/or design-build contracts negotiated between San Francisco and the contractors ("negotiated contracts"). The competitive bidding provisions of Chapter Six of the San Francisco Administrative Code shall not apply to such negotiated contracts; Negotiated contracts are appropriate because other than potential change order work, the repair contractors will be paid for their work directly by the neutral escrow, upon written direction by and subject to the approval of San Francisco, rather than from City funds;

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- All parties will execute a mutual release the rights to which San Francisco will retain;
- All parties will execute and file dismissals of all claims with prejudice, and all parties will bear their own fees and costs;

RECOMMENDED

SAN FRANCISCO RECREATION & PARK
DEPARTMENT

`see original for signatures`
YOMI AGUNBIADE
General Manager
San Francisco Recreation & Park Department

APPROVED

____
SECRETARY

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: George K. Wong
GEORGE K. WONG
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080628 **Date Passed:**

Ordinance authorizing settlement of the lawsuit, entitled City and County of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148) in the amount of $510,000 paid to San Francisco by Competent Builders, Inc., and its subcontractors.

June 17, 2008 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080628

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6/30/08
Date Approved

Mayor Gavin Newsom

FILE NO. 080629 ORDINANCE NO. 109-08

[Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Tamara Josi against the City and County of San Francisco for $75,000; the lawsuit was filed on May 9, 2007 in San Francisco Superior Court, Case No. 463219; entitled Tamara Josi, et al., v. City and County of San Francisco, et al.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled " Tamara Josi v. City and County of San Francisco, et al., San Francisco Superior Court, Court No. CGC-07-463219 by the payment of $75,000.

Section 2. The above-named action was filed in San Francisco Superior Court on May 9, 2007, and the following parties were named in the lawsuit:

Plaintiff: TAMARA JOSI

Defendants: CITY AND COUNTY OF SAN FRANCISCO AND DOES 1 TO 20

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

Joanne Hoep
JOANNE HOEPER
Chief Trial Deputy

RECOMMENDED:

Department of Public Works

ED REISKIN
Director

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

Index Code: 975016
Subobject: 05312

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City and County of San Francisco

Tails

Ordinance

File Number: 080629 **Date Passed:**

Ordinance authorizing settlement of the lawsuit filed by Tamara Josi against the City and County of San Francisco for $75,000; the lawsuit was filed on May 9, 2007 in San Francisco Superior Court, Case No. 463219; entitled Tamara Josi, et al., v. City and County of San Francisco, et al.

June 17, 2008 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080629

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6/30/08
Date Approved

Mayor Gavin Newsom

File No. 080629

FILE NO. 080527 ORDINANCE NO. 110-08

[Requiring Assessor to report reductions of real property assessments.]

Ordinance amending the San Francisco Administrative Code by adding Section 10.2-9, to require the Assessor to post monthly reports of any reductions of assessed values of real properties.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Section 10.2-9, to read as follows:

SEC. 10.2-9. ASSESSOR/RECORDER REPORTING OF ASSESSOR'S REDUCTIONS OF ASSESSED VALUES OF REAL PROPERTY.

No later than the second Monday of each month, the Assessor/Recorder shall: (1) compile a list of all of the real properties for which the Assessor's staff enrolled a reduced assessment in the previous month pursuant to Revenue & Taxation Code §51(a)(2), commonly referred to as "Proposition 8"; and (2) post that list on the Assessor/Recorder's website. The list shall identify each property by parcel number, street address, and assessee's name and, for each property, shall indicate the roll year of the value reduction, the dollar amount of the reduction, the enrolled values for land and improvements before and after the reduction, and whether the Assessor's staff granted or the

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Assessment Appeals Board ordered the reduction This requirement shall apply to both assessment reductions made by the Assessor's staff and reductions ordered by the Assessment Appeals Board.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
MICHAEL SLATTERY
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080527 **Date Passed:**

Ordinance amending the San Francisco Administrative Code by adding Section 10.2-9, to require the Assessor to post monthly reports of any reductions of assessed values of real properties.

June 17, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080527

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6/30/08
Date Approved

Mayor Gavin Newsom

FILE NO. 080529 ORDINANCE NO. 111-08

[Requiring Activation of Closed Captions on Television Receivers.]

Ordinance amending the San Francisco Police Code by adding Article 44, Sections 4400 to 4407 to require the activation of closed captioning on television receivers intended for use by the general public and authorizing the imposition of civil penalties and/or criminal fines for violations of this requirement.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS.

(a) Hearing loss is a significant problem in the United States. It is estimated that approximately one in 20 Americans are hearing impaired. This means that nearly 10,000,000 Americans are hearing impaired, nearly 1,000,000 of these are functionally deaf.

(b) As television increasingly becomes a more important means of communication, it is critical that hearing impaired persons have full access to this medium. Since 1980, closed captioning has been used to provide this assistance.

(c) Closed captioning consists of a transcript or dialog of the audio portion of a television program that is displayed along the bottom portion of the television receiver screen when the user activates the feature.

(d) In 1993, the Federal Communications Commission ("FCC") required that all analog television receivers manufactured and sold in the United States with screens larger than 13 inches contain built-in decoder circuitry to display closed captions. In 2002, the FCC imposed a similar requirement on digital television receivers. As a result, it is likely that most televisions in use today have this capability.

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(e) In 1996, Congress amended the Communications Act to require that all video program distributors (including broadcasters, cable operators, etc.) add closed captioning to certain video programming and authorized the FCC to establish a transition schedule for complying with this requirement.

(f) Under the FCC's rules, since January 1, 2006 video program distributors have been required to add closed captioning to all new English language programming. Starting on January 1, 2010, a similar requirement will apply to Spanish language programming. The FCC also required video program distributors to add closed captioning to a certain percentage of their previously broadcast programs. As a result, a high percentage of television programs that are broadcast today are likely to have closed captions.

(g) Television receivers are increasingly in use in facilities that are open to the general public. Hospital waiting rooms, bars and restaurants, health clubs, bus stations, airport lounges, appliance stores, etc. are the types of locations where the general public can gain access to television broadcasts.

(h) Television receivers in these locations enable members of the general public to obtain the latest news reports in an emergency, watch their local sports teams in action, or simply pass the time while waiting for an appointment or service to be completed. Hearing-impaired persons should not be excluded from these activities.

(i) Federal requirements under the Americans with Disabilities Act ("ADA") are limited in this regard. While the ADA requires places of "public accommodation" to ensure that disabled persons are not discriminated against because of the absence "auxiliary aides and services" including closed caption decoders, regulations promulgated by the United States Department of Justice only require the use of closed captioned television receivers in hotels with five or more rooms and hospital waiting rooms. The ADA, however, does not prevent the City and County of San Francisco from imposing more stringent requirements.

(j) This ordinance, therefore, requires that television receivers located in any part of a facility open to the general public have closed captioning activated at all times when the facility is open and the television receiver is in use.

Section 2. The San Francisco Police Code is hereby amended by add Article 44, Sections 4400 to 4407, to read as follows:

SEC. 4400. TITLE.

This Article shall be known as the Closed Captions Activation Requirement Ordinance.

SEC. 4401. DEFINITIONS.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

(a) "City" means the City and County of San Francisco.

(b) "Closed-Captioned Television Receiver" means a television receiver that has a built-in decoder to display Closed Captioning.

(c) "Closed Captioning" means a transcript or dialog of the audio portion of a television program that is displayed on the bottom portion of a television receiver screen when the user activates the feature.

(d) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

(e) "Public Area" means that part of a Public Facility that is open to members of the general public. By way of example only, Public Area includes the following: (1) lobbies and reception areas of businesses open to the public; (2) waiting rooms in hospitals, out patient clinics and other medical offices; (3) service areas of bars and restaurants; (4) exercise, lounge, dressing and bar and

restaurants areas of health clubs; (6) sales areas of retail stores; (7) classrooms and other parts of school buildings serving students and faculty members; and (8) service areas of barbershops, hair or nail salons.

(f) "Public Facility" means any building, business, store, office or indoor or outdoor facility of any kind that is open to all members of the general public or only to certain members of the general public (i.e., customers, patients, guests, residents, ticket holders, passengers, students, clients, members). By way of example only, a Public Facility includes the following: (1) hospitals, out-patient clinics, or other medical facilities; (2) restaurants, bars, clubs, or other establishments that serve food and/or drinks for consumption on the premises; (3) health, golf, tennis, swim or boat clubs, gyms, or other facilities used for recreation or exercise; (4) hair or nail salons, barbershops, cleaners, day spas, laundromats, travel agencies, or other facilities that offer personal services; (5) offices used by doctors, dentists, accountants, lawyers, architects, engineers, insurance agents or adjustors, or other professionals; (6) service stations, stores or shops for the repair or maintenance of appliances, shoes, motor vehicles, or other items or products; (7) automobile and motorcycle dealerships, or other showrooms for the display of merchandise offered for sale; (8) grocery and specialty food stores, or other stores that sell consumable products; (9) clothing, shoe, cookware, photo, general merchandise, gift, appliance, department, furniture and hardware stores, pharmacies, or other stores that sell goods or merchandise; (10) video arcades, game rooms, pool halls, bowling alleys, amusement parks, or other recreation or amusement center; (11) banks, savings and loan offices, brokerage houses, or other businesses offering financial services; (12) inns, hotels and motels, or other places that provide accommodations to the public; (13) motion picture houses, theaters, concert halls, stadiums, arenas, or other places used for exhibitions or entertainment; (14) libraries, book, music, and video stores, or other places that lend or sell reading, listening or viewing materials; (15) auditoriums, convention centers, lecture halls, or other places used for public gatherings; (16) terminals, depots, or other

stations used for public transportation (including the San Francisco International Airport); (17) museums, galleries, or other places used to display exhibitions of art or other items; (18) public or private nursery, elementary, secondary, undergraduate, or postgraduate schools, or other places of education; (19) day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies, or other social service centers or establishments; (20) parks, open spaces, zoos, or other outdoor recreation areas; and (21) City government offices.

(g) "Regular Hours" means the hours of any day in which a Public Facility is generally open to members of the general public.

SEC. 4402. ACTIVATION OF CLOSED CAPTIONING REQUIRED.

It shall be unlawful for any Person owning or managing a Public Facility to fail to keep Closed Captioning activated on any Closed-Captioned Television Receiver that is in use during Regular Hours in any Public Area.

SEC. 4403. REMEDIAL ACTION NOT REQUIRED.

Nothing in this Article should be construed to require any Person owning or managing a Public Facility to make a Closed Captioned Television Receiver available for viewing in a Public Area if: (a) no television receiver of any kind is available in a Public Area of the Public Facility; (b) the only television receiver available in a Public Area of the Public Facility is not a Closed Captioned Television Receiver.

SEC. 4404. CIVIL PENALTIES AND FEES.

Any Person who violates this Article may be liable for a civil penalty not to exceed $500 for each day such violation is committed or permitted to continue. Such penalty shall be assessed and recovered in a civil action brought in the name of the people of the City by the City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case including, but *not limited to, the following: the nature and seriousness of the violations, the number of violations, the persistence of the violations, the length of time over which the violations occurred, the willfulness of the Person charged with the violations, and the assets, liabilities, and net worth of the Person charged with the violations. The City Attorney also may seek recovery of the attorney's fees and costs incurred in bringing a civil action pursuant to this Section.*

SEC. 4405. CRIMINAL FINES.

(a) Any Person who violates this Article shall be deemed guilty of an infraction. Every violation determined to be an infraction is punishable by: (1) a fine not exceeding $100 for the first violation within one year; (2) a fine not exceeding $200 for a second violation within one year from the date of the first violation; (3) a fine not exceeding $500 for the third and each additional violation within one year from the date of the first violation.

(b) When a government official authorized to enforce this Article pursuant to Subsection (a) has reasonable cause to believe that any Person has committed an infraction in the official's presence that is a violation of this Article the official may issue a citation to that Person pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.

SEC. 4406. DISCLAIMER.

In enforcing this Article, the City is assuming an undertaking only to promote the general welfare. The City is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach by the City could result in the City being liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 4407. SEVERABILITY.

If any provision of this Article, or the application of any such provision to any Person or circumstances, shall be held invalid, the remainder of this Article, to the extent it can be given effect, or *the application of those provisions to Persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Article are severable.*

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
WILLIAM K. SANDERS
Deputy City Attorney

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 080529 **Date Passed:**

Ordinance amending the San Francisco Police Code by adding Article 44, Sections 4400 to 4407 to require the activation of closed captioning on television receivers intended for use by the general public and authorizing the imposition of civil penalties and/or criminal fines for violations of this requirement.

June 17, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080529

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

6/30/08
Date Approved

Mayor Gavin Newsom

File No. 080529

Amendment of the Whole
6/9/08

FILE NO. 080095 ORDINANCE NO. 112-08

[Requirements for off-street parking and loading.]

Ordinance amending the San Francisco Planning Code by amending Section 150 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 151 to reduce the required number of parking spaces for housing for seniors and physically handicapped persons, affordable housing, group housing, SRO units and residential care facilities; amending Section 154 to revise the minimum dimensions for off-street parking spaces, to encourage space-efficient parking and to no longer require independently accessible parking and define independently accessible parking to include parking accessed by automated garages or car elevators and valet parking; amending Section 155 to delete a requirement for independently accessible parking and require parking design to prevent bicycle and transit lane conflicts; amending Section 157 to provide for a demonstration that car-share parking cannot satisfy the need for non-accessory parking as a conditional use; amending Section 167 to provide for optional parking in all new residential buildings or conversions to residential buildings of 10 units or more; amending Section 204.5 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 303(c)(2)(B) to provide for consideration of whether a use seeking a conditional use permit is providing car-share parking; amending Section 790.10 to include a car-share parking space as part of a community residential parking use; amending Section 890.7 to include a car-share parking space as part of a community residential automobile parking lot use; amending Section 890.8 to include a car-share parking space as part of a community residential automobile parking garage use; and adopting findings.

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Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(1) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this ordinance will serve the public necessity convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17579, and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 080095.

(2) The Board of Supervisors finds that this ordinance is in conformity with the Priority Policies of Section 101.1 of the Planning Code and with the General Plan, and hereby adopts the findings set forth in Planning Commission Resolution No. 17579 and incorporates such findings by reference as if fully set forth herein. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 080095.

Section 2. The San Francisco Planning Code is hereby amended by amending Sections 150, 151, 154, 155, 157, 167, 204.5, 303, 790.10, 890.7, and 890.8~~890.10~~ to read as follows:

Sec. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(a) General. This Article 1.5 is intended to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the San Francisco Master Plan, as part of a balanced transportation system that makes suitable provision for use of both private vehicles and transit. With respect to off-street parking, this Article is intended to require needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon surrounding areas and uses, and to encourage effective use of public transit as an alternative to travel by private automobile.

(b) Spaces Required. Off-street parking and loading spaces, according to the requirements stated in this Article 1.5, shall be provided for any structure constructed, and any use established, whether public or private, after the original effective date of any such requirement applicable to such structure or use.

(c) Additions to Structure and Uses.

(1) For any structure or use lawfully existing on such effective date, off-street parking and loading spaces need be provided only in the case of a major addition to such structure or use, and only in the quantity required for the major addition itself. Any lawful deficiency in off-street parking or loading spaces existing on such effective date may be carried forward for the structure or use, apart from such major addition.

(2) For these purposes, a "major addition" is hereby defined as any enlargement, alteration, change of occupancy or increase in intensity of use which would increase the number of off-street parking spaces required for dwelling units by one or more spaces; which would increase the number of off-street parking spaces required for uses other than dwelling units by at least 15 percent or by at least five spaces, whichever is greater; or which would increase the requirement for off-street loading spaces by at least 15 percent.

(3) Successive additions made after the effective date of an off-street parking or loading requirement shall be considered cumulative, and at the time such additions become major in their total, off-street parking and loading spaces shall be provided as required for such major addition.

(d) Spaces to be Retained. Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner; provided, however, that in the Outer Clement Neighborhood Commercial District a maximum of one off-street parking space may be used for the storage of materials for a commercial use if the commercial use is on a lot contiguous to the lot on which the parking space is located and if access between the commercial use and the storage is available without the use of a public sidewalk or other public right-of-way and if the storage occurred prior to 1985. Any required residential parking space may be leased or rented on a monthly basis to serve the resident of any dwelling unit within 1,250-feet of said parking space, as provided under Section 204.5(b)(1) of this Code, and such lease or rental shall not be considered a reduction or elimination of required spaces.

(e) Conditional Use Cases. When authorizing a conditional use under Section 303 of this Code, the City Planning Commission may require such additional off-street parking and loading spaces, and apply such other standards in addition to those stated in this Article 1.5, as are in its opinion necessary to secure the objectives of this Code.

Sec. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

Off-street parking spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 151.1 and Section 161 of this Code. Where the building or lot contains uses in more than one of the categories listed, parking requirements shall be calculated in the manner provided in Section 153 of this Code. Where off-street parking is provided which exceeds certain amounts in relation to the quantities specified in this table, as set forth in Section 204.5 of this Code, such parking shall be classified not as accessory parking but as either a principal or a conditional use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a conditional use for any such parking, due to the amount being provided, the City Planning Commission shall ~~consider~~ *apply* the criteria set forth in Section 157 of this Code.

Table 151

OFF-STREET PARKING SPACES REQUIRED

Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242	One for each dwelling unit.
Dwelling, RC-4, RSD except in the Van Ness Special Use District	One for each four dwelling unit.
Dwelling, specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code	*None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5* ~~One-fifth~~ the number of spaces specified above for the district in which the dwelling is located. *In RH-1 and RH-2 Districts, one-fifth the number of spaces specified above for the district in which the dwelling is located.*
Dwelling, in an affordable housing project as defined by Section 313.1 or 315.1 of this Code.	*None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5, the number otherwise required in this Table 151 for a dwelling unit for the district in which the dwelling is located. The number otherwise required in this Table 151 for a dwelling unit for the district in which the dwelling is located.*
Group housing of any kind	*None in districts other than RH-2, except for purposes of determining spaces required by this Code in Section 204.5 one for each three bedrooms or for each six beds, whichever results in the greater requirements, plus one for the manager's dwelling unit if any, with a minimum of two spaces required. In RH-2 Districts,* ~~One~~ for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any, with a minimum of two spaces required.
SRO units	*None, except for purposes of determining spaces required by this Code in Section 204.5 in* ~~In~~ the

	South of Market base area, one for each 20 units, plus one for the manager's dwelling unit, if any, with a minimum of two spaces.
Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.
Hotel, inn or hostel in districts other than NC	One for each 16 guest bedrooms where the number of guest bedrooms exceeds 23, plus one for the manager's dwelling unit, if any.
Motel	One for each guest unit, plus one for the manager's dwelling unit, if any.
Mobile home park	One for each vehicle or structure in such park, plus one for the manager's dwelling unit if any.
Hospital or other inpatient medical institution	One for each 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the greater requirement, provided that these requirements shall not apply if the calculated number of spaces is no more than two.
Residential care facility	*None in districts other than RH-1 and RH-2, except for purposes of determining spaces required by this Code in Section 204.5. In RH-1 and RH-2 Districts, one* ~~*One*~~ for each 10 residents, where the number of residents exceeds nine
Child care facility	One for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
Elementary school	One for each six classrooms.
Secondary school	One for each two classrooms.
Post-secondary educational institution	One for each two classrooms.
Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
Theater or auditorium	One for each eight seats up to 1,000 seats where the number of seats exceeds 50 seats, plus one for each 10 seats in excess of 1,000.
Stadium or sports arena	One for each 15 seats.
Medical or dental office or outpatient clinic	One for each 300 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet, except one for each 750 square feet within the SSO District, where the occupied floor area exceeds 5,000

	square feet.
Restaurant, bar, nightclub, pool hall, dancehall, bowling alley or other similar enterprise	One for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Other retail space	One for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet, plus one for each 250 square feet of occupied floor area in excess of 20,000.
Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts.	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Mortuary	Five
Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 10,000 square feet.
Arts activities and spaces except theater or auditorium spaces	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
Other manufacturing and industrial uses	One for each 1,500 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
Live/work units	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet, except in RH or RM Districts, within which the requirement shall be one space for each live/work unit.

Sec. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE SPACES.

(a) Parking Spaces. Required ~~P~~p*arking spaces* ~~are not required to be~~ may be either *independently accessible* or space-efficient as described in 154(a)(4) and 154(a)(5)*, except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. Space-efficient parking is encouraged.*

(1) ~~*Every required*~~ *Each independently accessible* off-street parking space shall have a minimum area of ~~*160*~~ *144* square feet *for a standard space and 112.5 square feet for a compact space, except for the types of parking spaces authorized by Paragraph (a)(4) below and spaces specifically designated for persons with physical disabilities, the requirements for which are set forth in the Building Code.* ~~*, except as specified in Paragraph (a)(2) below.*~~ Every required space shall be of usable shape. The area of any such space shall be exclusive of driveways, aisles and maneuvering areas. The parking space requirements for the Bernal Heights Special Use District are set forth in Section 242.

(2) ~~*In the case of any structure or use for which four or more off-street parking spaces are required, the fourth such space may be a compact car space, and for each two spaces required in excess of four, the second such space may be a compact car space. For this purpose every compact car space shall have a minimum area of 127.5 square feet and shall be specifically marked and identified as a compact car space. For dwelling units or group housing within RED, SPD, RSD, SLR, SLI or SSO Districts, 100 percent compact sizes shall be permitted.*~~ *Any ratio of standard spaces to compact spaces may be permitted, so long as compact car spaces are specifically marked and identified as a compact space.* Special provisions relating to the Bernal Heights Special Use District are set forth in Section 242.

(3) *Off-street parking spaces in DTR and C-3 Districts shall have no minimum area or dimension requirements, except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities.*

(4) Parking spaces in mechanical parking structures that allow a vehicle to be accessed without having to move another vehicle under its own power shall be deemed to be independently accessible. Parking spaces that are accessed by a valet attendant and are subject to such conditions as may be imposed by the Zoning Administrator to insure the availability of attendant service at the time

the vehicle may reasonably be needed or desired by the user for whom the space is required, shall be deemed to be independently accessible. Any conditions imposed by the Zoning Administrator pursuant to this Section shall be recorded as a Notice of Special Restriction.

(5) Space-efficient parking is parking in which vehicles are stored and accessed by valet, mechanical stackers or lifts, certain tandem spaces, *or other space-efficient means.* Tandem spaces shall only count towards satisfying the parking requirement if no more than one car needs to be moved to access the desired parking space. *Space-efficient parking is encouraged, and may be used to satisfy minimum-parking requirements so long as the project sponsor can demonstrate that all required parking can be accommodated by the means chosen.*

(~~*3*~~*6*) Ground floor ingress and egress to any off-street parking spaces provided for a structure or use, and all spaces to be designated as preferential carpool or van pool parking, and their associated driveways, aisles and maneuvering areas, shall maintain a minimum vertical clearance of seven feet.

~~*(4) In DTR and C-3 Districts, there shall be no minimum area or dimension requirements for off-street parking spaces, except as required elsewhere in this Code for spaces specifically designated for persons with physical disabilities, nor shall they be required to be independently accessible. The use of mechanical parking lifts, valet services and other means to increase the efficiency of space devoted to parking are encouraged.*~~

(b) Freight Loading and Service Vehicle Spaces. Every required off-street freight loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except as provided below.

(1) Minimum dimensions specified herein shall be exclusive of platform, driveways and maneuvering areas except that minimum vertical clearance must be maintained to accommodate variable truck height due to driveway grade.

(2) The first such space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

(3) Each substituted service vehicle space provided under Section 153(a)(6) of this Code shall have a minimum width of eight feet, a minimum length of 20 feet, and a minimum vertical clearance of seven feet.

Sec. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF- STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.

Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the Department of City Planning.

(a) Every required off-street parking or loading space shall be located on the same lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

(b) Every required off-street parking or loading space shall be located in its entirety within the lot lines of private property.

(c) Every off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley. *Access to off-street loading spaces shall be from alleys in preference to streets.* ~~Every required off-street parking or loading space shall be independently~~

~~*accessible, with the exception of a parking space for a minor second dwelling unit in an RH-1(S) District, or as otherwise provided by the Bernal Heights Special Use District set forth in Section 242. In C-3 Districts, if it is found, in accordance with the provisions of Section 309, that independently accessible spaces are infeasible due to site constraints, or in South of Market Districts if it is found, in accordance with the provisions of Section 307(g) of this Code, that independently accessible spaces for nonresidential activities are infeasible due to site constraints or that valet parking would provide a more convenient and efficient means of serving business clients, the substitution of attendant parking spaces for independently accessible spaces may be approved. Access to off-street loading spaces shall be from alleys in preference to streets.*~~

Adequate reservoir space shall be provided on private property for entrance of vehicles to off-street parking and loading spaces, except with respect to spaces independently accessible directly from the street.

(1) For residential uses, independently accessible off-street parking spaces shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking as defined in Section 154(a)(4) and Section 154(a)(5) provided that no more than one car needs to be moved under its own power to access any one space ~~*another car.*~~

(d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-G, and South of Market Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is determined to be primarily used for building service, pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-3-G District, or the provisions of Section 307(g) in a South of Market District, up to four spaces may be allowed to be individually accessible directly from such a street or alley.

(e) In a C-3 or South of Market District, where site constraints would make a consolidated freight loading and service vehicle facility impractical, service vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage for the structure or other location separate from freight loading spaces.

(f) In a C-3 or South of Market District, whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. If freight loading facilities are subterranean, the location and operation of freight elevators shall be designed, where feasible, to discourage use of freight elevators for deliveries from the ground floor. Directories of building tenants shall be provided at all freight elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions to provide for short-term storage of goods. All required freight loading and service vehicle spaces shall be made available only to those vehicles at all times, and provision shall be made to minimize interference between freight loading and service operations, and garbage dumpster operations and storage.

(g) In order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or conditional use, which are otherwise available for use for long-term parking by downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

(h) The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

(i) For each 25 off-street parking spaces provided, one such space shall be designed and designated for handicapped persons.

(j) Except as provided by Section 155.1 and Section 155.2 below, for each 20 off-street parking spaces provided, one space shall be provided for parking of a bicycle. The most restrictive provisions of 155(j) or 155.4 shall prevail.

(k) Off-street parking and loading facilities shall be arranged*, designed and operated* so as to prevent encroachments upon sidewalk areas*, bicycle lanes, transit-only lanes* and adjacent properties, in the maneuvering, standing, *queuing* and storage of vehicles, by means of the layout *and operation* of facilities and by use of bumper or wheel guards or such other devices as are necessary.

(l) Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

(m) Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.

(n) Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.

(o) No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an unrequited off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequited off-street parking space.

(p) Any off-street freight loading area located within 50 feet of any R District shall be completely enclosed within a building if such freight loading area is used in regular night operation.

(q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.

(r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to preserve the pedestrian character of certain downtown and neighborhood commercial districts and to minimize delays to transit service, garage entries, driveways or other vehicular access to off-street parking or loading shall be regulated as follows on the following street frontages:

(1) Folsom Street, from Essex Street to the Embarcadero, not permitted except as set forth in Section 827.

(2) The entire portion of Market Street in the C-3 Districts, not permitted.

(3) The entire portion of California Street, The Embarcadero, Folsom Street, Geary Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts, and Grant Avenue from Market Street to Bush Street and Montgomery Street from Market Street to Columbus Avenue, not permitted except with a conditional use permit.

(4) In C-3 Districts, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified along any Transit Preferential, Citywide

Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official city bicycle routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the officially adopted alignment is along the left side of the street. Where an alternative frontage is not available, parking or loading access along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official city bicycle lane or bicycle route, may be allowed as an exception in the manner provided in Section 309 in cases where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

(s) Off-street Parking and Loading in C-3 Districts. In C-3 Districts, restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.

(1) Ground Floor or Below-Grade Parking and Street Frontages with Active Uses.

(A) All off-street parking in C-3 Districts (both as accessory and principal uses) shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from grade) unless an exception to this requirement is granted in accordance with Section 309 and subsection 155(s)(2) or a conditional use is authorized in accordance with Section 303 and subsections 155(s)(2) or 155(s)(3) below.

(B) Parking at the ground-level to the full height of the ground-level parking shall be lined with active uses, as defined by Section 145.4(e), to a depth of at least 25 feet along all street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems. So as not to preclude conversion of parking space to other uses in the future, parking at the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

(i) Where a non-accessory off-street parking garage permitted under Section 223(m)-(p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and fronts more than one street of less than 45 feet in width, a conditional use may be granted in accordance with Section 303 that allows an exception to this requirement for one of the street frontages. The above provision authorizing such conditional use shall sunset eight years from the effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

(C) Parking allowed above the ground-level in accordance with an exception under Section 309 or a conditional use in accordance with Section 303 as authorized by subsections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that accentuates ground floor retail and other uses, minimizes louvers and other mechanical features and is in keeping with the overall massing and architectural vocabulary of the building's lower floors. So as not to preclude conversion of parking space to other uses in the future, parking allowed above the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

(2) Residential accessory parking. For residential accessory off-street parking in C-3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

(A) In a manner provided in Section 309 of this Code provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the exception application under Section 309.

(B) As a conditional use in accordance with the criteria set forth in Section 303 of this Code, provided it can be clearly demonstrated that constructing the parking above-grade instead of underground would allow the proposed housing to meet affordability levels for which actual production has not met ABAG production targets as identified in the Housing Element of the General Plan.

(3) Non-accessory off-street parking garages. For non-accessory off-street parking garages in C-3 Districts permitted under Section 223(m)-(p), two additional floors of above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections (155)(s)(3)(A) or 155(s)(3)(B) below:

(A) As a conditional use in accordance with the criteria set forth in Section 303, provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the conditional use permit application.

(B) As a conditional use in accordance with the criteria set forth in Section 303, provided the site contains an existing non-accessory off-street surface parking lot with valid permits for such parking as of the effective date of the ordinance enacting this subsection and the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67 through 79; Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97, 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this subsection.

(4) Parking lots permitted in C-3 Districts as temporary uses according to Section 156(h) and expansions of existing above-grade publicly accessible parking facilities are not subject to the requirements of subsections 155(s)(1)-(3).

(5) Parking and Loading Access.

(A) Width of openings. Any single development is limited to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

(B) Porte cocheres to accommodate passenger loading and unloading are not permitted except as part of a hotel, inn or hostel use. For the purpose of this section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor façade of the building and the sidewalk.

Sec. 157. CONDITIONAL USE APPLICATIONS FOR PARKING EXCEEDING ACCESSORY AMOUNTS: ADDITIONAL CRITERIA.

In considering any application for a conditional use for parking for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the City Planning Commission shall ~~*consider*~~ *apply* the following criteria in addition to those stated in Section 303(c) and elsewhere in this Code:

(a) Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

(b) Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more ~~a~~ *car-share parking* ~~space or~~ *spaces* in addition to those that may already be required by ~~as defined in~~ *Section 166 of this Code.*

~~*(b)*~~*(c)* The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services;

~~*(c)*~~*(d)* In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and

~~(d)~~*(e)* Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

Sec. 167. PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW RESIDENTIAL BUILDINGS.

(a) ~~*In DTR Districts and C-3 Districts, a*~~*A*ll off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more, or in new conversations of non-residential buildings to residential use of 10 dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. Renters or buyers of on-site inclusionary affordable units provided pursuant to Section 315 shall have an equal opportunity to rent or buy a parking space. Renters or buyers of on-site inclusionary affordable units provided pursuant to Section 315 shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units.

(b) Exception. The Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.

Sec. 204.5 PARKING AND LOADING AS ACCESSORY USES.

In order to be classified as an accessory use, off-street parking and loading shall meet all of the following conditions:

(a) Such parking or loading facilities shall be located on the same lot as the structure or use served by them. (For provisions concerning required parking on a separate lot as a principal or conditional use, see Sections 156, 159, 160 and 161 of this Code.)

(b) Unless rented on a monthly basis to serve a dwelling unit within 1,250-feet pursuant to Section 204.5(b)(1), below, ~~Such parking or loading facilities shall be for use by the occupants, patrons, employees or services of the structure or use to which they are accessory. A~~ accessory parking facilities for any dwelling in any R District shall be limited, further, to storage of private passenger automobiles, private automobile trailers and boats, and trucks of a rated capacity not exceeding 3/4 ton. Notwithstanding any provision of this Code to the contrary, the following shall be permitted as an accessory use:

(1) Lease, for term of no less than one month, of a lawfully existing off-street parking space that is required or permitted to serve a dwelling unit on the same lot, for use by any resident of a dwelling unit located on a different lot within 1,250 feet of such parking space.

(c) Accessory parking facilities shall include only those facilities which do not exceed the following amounts for a structure, lot or development: three spaces where one space is required by this Code; four spaces where two spaces are required by this Code; 150 percent of the required number of spaces where three or more spaces are required by this Code; and, in all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, whichever is greater, or in NC Districts, three spaces, where no off-street parking spaces are required by this Code. For purposes of calculation under the last provision just stated, gross floor area shall be as defined by this Code, and the area considered to be devoted to parking shall be only the parking spaces and aisles, excluding entrance and exit driveways and ramps. Off-street parking facilities which exceed the amounts stated in this Subsection (c) shall be classified as either a principal or a conditional use, depending upon the use provisions applicable to the district in which such facilities are located.

Sec. 303. CONDITIONAL USES.

(a) General. The City Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this Section and in Sections 306 through 306.6, except that Planned Unit Developments shall in addition be subject to Section 304, medical institutions and post-secondary educational institutions shall in addition be subject to the institutional master plan requirements of Section 304.5, and conditional use and Planned Unit Development applications filed pursuant to Article 7, or otherwise required by this Code for uses or features in Neighborhood Commercial Districts, and conditional use applications within South of Market Districts, shall be subject to the provisions set forth in Sections 316 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this Code, with respect to scheduling and notice of hearings, and in addition to those provided for in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and reconsideration.

(b) Initiation. A conditional use action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the conditional use is sought. For a conditional use application to relocate a general advertising sign under subsection (1) below, application shall be made by a general advertising sign under subsection (1) below, application shall be made by a general advertising sign company that has filed a Relocation Agreement application and all required information with the Planning Department pursuant to Section 2.21 of the San Francisco Administrative Code.

(c) Determination. After its hearing on the application, or upon the recommendation of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of this Code and no hearing is required, the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish:

(1) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community

(A) In Neighborhood Commercial Districts, if the proposed use is to be located at a location in which the square footage exceeds the limitations found in Planning Code § 121.2(a) or 121.2(b), the following shall be considered:

(i) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

(ii) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

(iii) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

(2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

(B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading *and of* *proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.*

(C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

(D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

(3) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan; and

(4) With respect to applications filed pursuant to Article 7 of this Code, that such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District, as set forth in zoning control category .1 of Sections 710 through 729 of this Code; and

(5)(A) With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning categories .46, .47, and .48, in addition to the criteria set forth above in Section 303(c)(1—4), that such use or feature will:

(i) Not be located within 1,000 feet of another such use, if the proposed use or feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

(ii) Not be open between two a.m. and six a.m.; and

(iii) Not use electronic amplification between midnight and six a.m.; and

(iv) Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(B) Notwithstanding the above, the City Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

(C) The action of the Planning Commission approving a conditional use does not take effect until the appeal period is over or while the approval is under appeal.

(6) With respect to applications for live/work units in RH and RM Districts filed pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

(A) Each live/work unit is within a building envelope in existence on the effective date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the building which lawfully contains at the time of application a nonconforming, nonresidential use;

(B) There shall be no more than one live/work unit for each 1,000 gross square feet of floor area devoted to live/work units within the subject structure; and

(C) The project sponsor will provide any off-street parking, in addition to that otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by residents of and visitors to the project.

Such action of the City Planning Commission, in either approving or disapproving the application, shall be final except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1.

(d) Conditions. When considering an application for a conditional use as provided herein with respect to applications for development of "dwellings" as defined in Chapter 87 of the San Francisco Administrative Code, the Commission shall comply with that Chapter which requires, among other things, that the Commission not base any decision regarding the development of "dwellings" in which "protected class" members are likely to reside on information which may be discriminatory to any member of a "protected class" (as all such terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when authorizing a conditional use as provided herein, the City Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to secure the objectives of the Code. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.

(e) Modification of Conditions. Authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use. Such procedures shall also apply to applications for modification or waiver of conditions set forth in prior stipulations and covenants relative thereto continued in effect by the provisions of Section 174 of this Code.

(f) Conditional Use Abatement. The Planning Commission may consider the possible revocation of a conditional use or the possible modification of or placement of additional conditions on a conditional use when the Planning Commission determines, based upon substantial evidence, that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or the conditional use is not in compliance with a condition of approval, is in violation of law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous, noxious or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Such consideration shall be the subject of a public hearing before the Planning Commission but no fee shall be required of the applicant or the subject conditional use operator.

(1) The Director of Planning or the Planning Commission may seek a public hearing on conditional use abatement when the Director or Commission has substantial evidence submitted within one year of the effective date of the Conditional Use authorization that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or substantial evidence of a violation of conditions of approval, a violation of law, or operation which creates hazardous, noxious or offensive conditions enumerated in Section 202(c).

(2) The notice for the public hearing on a conditional use abatement shall be subject to the notification procedure as described in Sections 306.3 and 306.8 except that notice to the property owner and the operator of the subject establishment or use shall be mailed by regular and certified mail.

(3) In considering a conditional use revocation, the Commission shall consider whether and how the false or misleading information submitted by the applicant could have reasonably had a substantial effect upon the decision of the Commission, or the Board of Supervisors on appeal, to authorize the conditional use, substantial evidence of how any required condition has been violated or not implemented or how the conditional use is in

violation of the law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous, noxious or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission. As an alternative to revocation, the Commission may consider how the use can be required to meet the law or the conditions of approval, how the hazardous, noxious or offensive conditions can be abated, or how the criteria of Section 303(c) can be met by modifying existing conditions or by adding new conditions which could remedy a violation.

(4) Appeals. A decision by the Planning Commission to revoke a conditional use, to modify conditions or to place additional conditions on a conditional use or a decision by the Planning Commission refusing to revoke or amend a conditional use, may be appealed to the Board of Supervisors within 30 days after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the action of the Planning Commission in an abatement matter by the same vote necessary to overturn the Commission's approval or denial of a conditional use. The Planning Commission's action on a conditional use abatement issue shall take effect when the appeal period is over or, upon appeal, when there is final action on the appeal.

(5) Reconsideration. The decision by the Planning Commission with regards to a conditional use abatement issue or by the Board of Supervisors on appeal shall be final and not subject to reconsideration within a period of one year from the effective date of final action upon the earlier abatement proceeding, unless the Director of Planning determines that:

(A) There is substantial new evidence of a new conditional use abatement issue that is significantly different than the issue previously considered by the Planning Commission; or

(B) There is substantial new evidence about the same conditional use abatement issue considered in the earlier abatement proceeding, this new evidence was not or could not be reasonably available at the time of the earlier abatement proceeding, and that new evidence indicates that the Commission's decision in the earlier proceeding ha not been implemented within a reasonable time or raises significant new issues not previously considered by the Planning Commission. The decision of the Director of Planning regarding the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use abatement issue within a period of one year from the effective date of final action on the earlier abatement proceeding shall be final.

(g) Hotels and Motels.

(1) With respect to applications for development of tourist hotels and motels, the Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and (d) above:

(A) The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, childcare, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

(B) The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation; and

(C) The market demand for a hotel or motel of the type proposed.

(2) Notwithstanding the provisions of Sub-sections (f)(1) above, the Planning Commission shall not consider the impact of the employees of a proposed hotel or motel project on the demand in the City for housing where:

(A) The proposed project would be located on property under the jurisdiction of the San Francisco Port Commission; and

(B) The sponsor of the proposed project has been granted exclusive rights to propose the project by the San Francisco Port Commission prior to June 1, 1991.

(3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the conversion of residential units to tourist hotel or motel use pursuant to an application filed on or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco Administrative Code, the Planning Commission shall not consider the criteria contained in Subsection (f)(1) above; provided, however, that the Planning Commission shall consider the criteria contained in Subsection (f)(1)(B) at a separate public hearing if the applicant applies for a permit for new construction or alteration where the cost of such construction or alteration exceeds $100,000. Furthermore, no change in classification from principal permitted use to conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed applications on or before June 1, 1990 to convert residential units to tourist units pursuant to Chapter 41 of the San Francisco Administrative Code.

(h) Internet Services Exchange.

(1) With respect to application for development of Internet Services Exchange as defined in Section 209.6(c), the Planning Commission shall, in addition to the criteria set forth in Subsection (c) above, find that:

(A) The intensity of the use at this location and in the surrounding neighborhood is not such that allowing the use will likely foreclose the location of other needed neighborhood-serving uses in the area;

(B) The building in which the use is located is designed in discrete elements, which respect the scale of development in adjacent blocks, particularly any existing residential uses;

(C) Rooftop equipment on the building in which the use is located is screened appropriately.

(D) The back-up power system for the proposed use will comply with all applicable federal state, regional and local air pollution controls.

(E) Fixed-source equipment noise does not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(F) The building is designed to minimize energy consumption, such as through the use of energy-efficient technology, including without limitation, heating, ventilating and air conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as such commercially available technology evolves;

(G) The project sponsor has examined the feasibility of supplying and, to the extent feasible, will supply all or a portion of the building's power needs through on-site power generation, such as through the use of fuel cells or co-generation;

(H) The project sponsor shall have submitted design capacity and projected power use of the building as part of the conditional use application; and

(2) As a condition of approval, and so long as the use remains an Internet Services Exchange, the project sponsor shall submit to the Planning Department on an annual basis power use statements for the previous twelve-month period as provided by all suppliers of utilities and shall submit a written annual report to the Department of Environment and the Planning Department which shall state: (a) the annual energy consumption and fuel consumption of all tenants and occupants of the Internet Services Exchange; (b) the number of all diesel generators located at the site and the hours of usage, including usage for testing purposes; (c) evidence that diesel generators at the site are in compliance with all applicable

local, regional, state and federal permits, regulations and laws; and (d) such other information as the Planning Commission may require.

(3) The Planning Department shall have the following responsibilities regarding Internet Services Exchanges:

(A) Upon the effective date of the requirement of a conditional use permit for an Internet Services Exchange, the Planning Department shall notify property owners of all existing Internet Services Exchanges that the use has been reclassified as a conditional use;

(B) Upon the effective date of the requirement of a conditional use permit for an Internet Services Exchange, the Planning Department shall submit to the Board of Supervisors and to the Director of the Department of Building Inspection a written report covering all existing Internet Services Exchanges and those Internet Services Exchanges seeking to obtain a conditional use permit, which report shall state the address, assessor's block and lot, zoning classification, square footage of the Internet Services Exchange constructed or to be constructed, a list of permits previously issued by the Planning and/or Building Inspection Departments concerning the Internet Services Exchange, the date of issuance of such permits, and the status of any outstanding requests for permits from the Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

(C) Within three years from the effective date of the requirement of a conditional use permit for an Internet Services Exchange, the Planning Department, in consultation with the Department of Environment, shall submit to the Board of Supervisors a written report, which report shall contain the Planning Commission's evaluation of the effectiveness of the conditions imposed on Internet Services Exchanges, and whether it recommends additional or modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and enhance the compatibility of industrial uses, such as Internet Services Exchanges, located near or in residential or commercial districts.

(i) Formula Retail Uses.

(1) With respect to an application for a formula retail use as defined in Section 703.3, whenever a conditional use permit is required per Section 703.3(f), the Planning Commission shall consider, in addition to the criteria set forth in Subsection (c) above:

(A) The existing concentrations of formula retail uses within the Neighborhood Commercial District.

(B) The availability of other similar retail uses within the Neighborhood Commercial District.

(C) The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.

(D) The existing retail vacancy rates within the Neighborhood Commercial District.

(E) The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the neighborhood commercial district.

(j) Large-Scale Retail Uses. With respect to applications for the establishment of large-scale retail uses under Section 121.6, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall consider the following:

(A) The extent to which the retail use's parking is planned in a manner that creates or maintains active street frontage patterns;

(B) The extent to which the retail use is a component of a mixed-use project or is designed in a manner that encourages mixed-use building opportunities;

(C) This shift in traffic patterns that may result from drawing traffic to the location of the proposed use; and

(D) The impact that the employees at the proposed use will have on the demand in the City for housing, public transit, childcare, and other social services.

(k) Movie Theater Uses.

(1) With respect to a change in use or demolition of a movie theater use as set forth in Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(2)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) Preservation of a movie theater use is no longer economically viable and cannot effect a reasonable economic return to the property owner;

(i) For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

(B) The change in use or demolition of the movie theater use will not undermine the economic diversity and vitality of the surrounding neighborhood commercial district; and

(C) The resulting project will preserve the architectural integrity of important historic features of the movie theater use affected.

Sec. 790.10. AUTOMOBILE PARKING, COMMUNITY RESIDENTIAL.

A use which provides parking accommodations, including a garage or lot, for the storage of private passenger automobiles for residents of the vicinity and meeting the requirements of Section 159 and other Sections in Article 1.5 of this Code, *and for off-street car-share parking spaces, as defined in Section 166, when permitted by this Code,* and excluding accessory parking, as defined in Section 204.5 of this Code.

Sec. 890.7. AUTOMOBILE PARKING LOT, COMMUNITY RESIDENTIAL.

A use which provides temporary parking accommodations on an open lot or lot surrounded by a fence or wall for private automobiles, trucks, vans, bicycles and/or motorcycles for residents and visitors of residents of the vicinity, and for off-street car-share parking spaces, as defined in Section 166 of this Code, when permitted by this Code, without parking of commercial vehicles, recreational vehicles, mobile homes, boats or other vehicles or long-term storage of vehicles.

Sec. 890.8. AUTOMOBILE PARKING GARAGE, COMMUNITY RESIDENTIAL.

A use which provides temporary parking accommodations in a garage, or combination garage and lot for private automobiles, trucks, vans, bicycles and/or motorcycles for residents and visitors of residents in the vicinity, and for off-street car-share parking spaces, as defined in Section 166 of this Code, when permitted by this Code, without parking of commercial vehicles, recreational vehicles, mobile homes, boats or other vehicles or long-term storage of vehicles.

~~Sec. 890.10. AUTOMOBILE PARKING GARAGE, COMMUNITY COMMERCIAL.~~

~~A use which provides temporary parking accommodations in a garage, or combination garage and lot, for automobiles, vans, trucks, bicycles and/or motorcycles for operators, employees, clients and/or visitors of a permitted, or approved conditional, nonresidential use in the vicinity, and for off-street car-share parking spaces, as defined in Section 166 of this Code, when permitted by this Code, without parking of recreational vehicles, mobile homes, boats or other vehicles or storage of vehicles, goods or equipment.~~

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: for ECW
Elaine C. Warren
Deputy City Attorney

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 080095 **Date Passed:**

Ordinance amending the San Francisco Planning Code by amending Section 150 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 151 to reduce the required number of parking spaces for housing for seniors and physically handicapped persons, affordable housing, group housing, SRO units and residential care facilities; amending Section 154 to revise the minimum dimensions for off-street parking spaces, to encourage space-efficient parking and to no longer require independently accessible parking and define independently accessible parking to include parking accessed by automated garages or car elevators and valet parking; amending Section 155 to delete a requirement for independently accessible parking and require parking design to prevent bicycle and transit lane conflicts; amending Section 157 to provide for a demonstration that car-share parking cannot satisfy the need for non-accessory parking as a conditional use; amending Section 167 to provide for optional parking in all new residential buildings or conversions to residential buildings of 10 units or more; amending Section 204.5 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 303(c)(2)(B) to provide for consideration of whether a use seeking a conditional use permit is providing car-share parking; amending Section 790.10 to include a car-share parking space as part of a community residential parking use; amending Section 890.7 to include a car-share parking space as part of a community residential automobile parking lot use; amending Section 890.8 to include a car-share parking space as part of a community residential automobile parking garage use; and adopting findings.

June 17, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080095

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6/30/08

Date Approved

Mayor Gavin Newsom

FILE NO. 080350 ORDINANCE NO. 113-08

[Amends Enterprise Zone Tax Credit to delete requirement a new job be created; applies credit to qualified new employees; revises the ~~makes~~ definition of "Qualified Employee" ~~consistent with state law~~ and conforms the boundaries of the Enterprise Zone with state.]

Ordinance amending Section 906A of the Business and Tax Regulations Code to delete the requirement that a new job be created to obtain the Enterprise Zone Tax Credit after the effective date; to apply the credit to all newly hired Qualified Employees; to ~~make~~ revise the definition of "Qualified Employee" ~~consistent with the state law~~; to conform the geographical boundaries of the San Francisco Enterprise Zone with the area approved by the State Department of Housing and Community Development; ~~and~~ to delete an outdated reference to the Private Industry Council and to establish a sunset date.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Business and Tax Regulations Code is hereby amended by amending Section 906A to read as follows:

Sec. 906A. ENTERPRISE ZONE TAX CREDIT.

(a) A credit against this tax shall be allowed for each person who maintains a fixed place of business within the San Francisco Enterprise Zone and who, ~~*on or after*~~*between* January 1, 1992 *and the effective date of this legislation*, creates one or more new jobs and hires employees who qualify under Subsection (b) of this Section; provided, however, that in no event shall the tax credit reduce a person's tax liability to less than zero. Moreover, the tax credits shall only serve as an offset against the additional tax that would be paid as a result of additional hiring by a business within the zone. Each person claiming this credit shall file with the Tax

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Collector, on a form prescribed by the Tax Collector, an affidavit attesting to facts establishing his or her entitlement to the tax credit; said affidavit shall be supported by state tax credit forms (EDD, DSS, and PIC).

(b) An employee is a "qualified employee" for purposes of computing this tax credit if he or she is newly hired by the taxpayer on or after January 1, 1992 and either (1) is receiving subsidized employment training or services under the terms of the Federal Job Training Partnership Act (JTPA); or (2) is registered in the Greater Avenues for Independence (GAIN) Program; or (3) is certified by the Employment Development Department as eligible for the Federal Work Opportunity Credit Program; or (4) is receiving General Assistance.

(c) The tax credit, for each qualified employee, shall be a varying percentage of the additional tax that would be incurred as a result of additional wages paid for work performed within the Enterprise Zone, and the dollar amount of such tax credit shall depend both upon the duration of employment as of the date payroll taxes are due, and the eligible wages paid, as follows:

(1) The eligible wages to which the percentage is applied shall be limited to wages paid for work performed by the qualified employee while physically present within San Francisco.

(2) The percentage to be applied to eligible wages shall depend upon the employee's duration of employment as follows:

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TABLE INSET:

Duration of Employment	Credit Allowed on Payroll Tax Liability
First 24 months..........	100%
Second 24 months..........	50%
Third 24 months..........	25%
Fourth 24 months..........	15%
Fifth 24 months..........	10%

(d) On or after the effective date of this legislation a credit against this tax shall be allowed for each person who maintains a fixed place of business within the San Francisco Enterprise Zone and who hires new employees who qualify under Subsection (f) of this Section; provided, however, that in no event shall the tax credit reduce a person's tax liability to less than zero. Moreover, the tax credits shall only serve as an offset against the tax that would be paid as a result of hiring by a business within the zone. Each person claiming this credit shall file with the Tax Collector, on a form prescribed by the Tax Collector, an affidavit attesting to facts establishing his or her entitlement to the tax credit; said affidavit shall be supported by applicable State tax credit forms (EDD, DSS) and an approved state enterprise zone voucher.

(e) "Enterprise zone" means the area within the City and County of San Francisco designated as an enterprise zone by the State Department of Housing and Community Development pursuant to Chapter 12.8 (commencing with Section 7070) of Division 7 of Title 1 of the Government Code.

(f) "Qualified employee" means ~~an individual~~ a San Francisco resident *who meets all of the following requirements:*

(1) At least 90 percent of whose services for the taxpayer during the taxable year are directly related to the conduct of the taxpayer's trade or business located in an enterprise zone.

(2) Performs at least 50 percent of his or her services for the taxpayer during the taxable year in an enterprise zone.

(3) Is hired by the taxpayer after the date of original designation of the area in which services were performed as an enterprise zone.

(4) Is any of the following:

(i) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was a person eligible for services under the Federal Job Training Partnership Act (29 U.S.C. Sec. 1501 et seq.), or its successor, who is receiving, ~~or is eligible to receive,~~ *subsidized employment, training, or services funded by the Federal Job Training Partnership Act, or its successor.*

(ii) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was a person eligible to be a voluntary or mandatory registrant under the Greater Avenues for Independence Act of 1985 (GAIN) provided for pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, or its successor.

(iii) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was an economically disadvantaged individual 14 years of age or older.

(iv) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was a dislocated worker who meets any of the following:

(aa) Has been terminated or laid off or who has received a notice of termination or layoff from employment, is eligible for or has exhausted entitlement to unemployment insurance benefits, and is unlikely to return to his or her previous industry or occupation.

(bb) Has been terminated or has received a notice of termination of employment as a result of any permanent closure or any substantial layoff at a plant, facility, or enterprise, including an individual who has not received written notification but whose employer has made a public announcement of the

closure or layoff.

(cc) Is long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, including an individual 55 years of age or older who may have substantial barriers to employment by reason of age.

(dd) Was self-employed (including farmers and ranchers) and is unemployed as a result of general economic conditions in the community in which he or she resides or because of natural disasters.

(ee) Was a civilian employee of the Department of Defense employed at a military installation being closed or realigned under the Defense Base Closure and Realignment Act of 1990.

(ff) Was an active member of the armed forces or National Guard as of September 30, 1990, and was either involuntarily separated or separated pursuant to a special benefits program.

(gg) Is a seasonal or migrant worker who experiences chronic seasonal unemployment and underemployment in the agriculture industry, aggravated by continual advancements in technology and mechanization.

(hh) Has been terminated or laid off or has received a notice of termination or layoff, as a consequence of compliance with the Clean Air Act.

(v) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was a disabled individual who is eligible for or enrolled in, or has completed a state rehabilitation plan or is a service-connected disabled veteran, veteran of the Vietnam era, or veteran who is recently separated from military service.

(vi) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was an ex-offender. An individual shall be treated as convicted if he or she was placed on probation by a state court without a finding of guilt.

(vii) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was a person eligible for or a recipient of any of the following:

(aa) Federal Supplemental Security Income benefits.

(bb) Aid to Families with Dependent Children.

(cc) Food stamps.

(dd) State and local general assistance.

(viii) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was a member of a federally recognized Indian tribe, band, or other group of Native American descent.

(ix) Immediately preceding the qualified employee's commencement of employment with the taxpayer, was a member of a targeted group, as defined in Section 51(d) of the Internal Revenue Code, or its successor.

(g) The tax credit, for each qualified employee, shall be a varying percentage of the tax that would be incurred as a result of wages paid for work performed within the Enterprise Zone, and the dollar amount of such tax credit shall depend both upon the duration of employment as of the date payroll taxes are due, and the eligible wages paid, as follows:

(1) The eligible wages to which the percentage is applied shall be limited to wages paid for work performed by the qualified employee while physically present within San Francisco.

(2) The percentage to be applied to eligible wages shall depend upon the employee's duration of employment as follows:

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TABLE INSET:

Duration of Employment	*Credit Allowed on Payroll Tax Liability*
First 24 months..........	*100%*
Second 24 months..........	*50%*
Third 24 months..........	*25%*
Fourth 24 months..........	*15%*
Fifth 24 months..........	*10%*

(h) This Section 906A shall expire by operation of law on December 31, 2021, unless extended by the Board of Supervisors or the voters, and the City Attorney shall cause it to be removed from future editions of the Business and Tax Regulations Code.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Jean H. Alexander
JEAN H. ALEXANDER
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080350 **Date Passed:**

Ordinance amending Section 906A of the Business and Tax Regulations Code to delete the requirement that a new job be created to obtain the Enterprise Zone Tax Credit after the effective date; to apply the credit to all newly hired Qualified Employees; to revise the definition of "Qualified Employee"; to conform the geographical boundaries of the San Francisco Enterprise Zone with the area approved by the State Department of Housing and Community Development; to delete an outdated reference to the Private Industry Council and to establish a sunset date.

June 10, 2008 Board of Supervisors — RE-REFERRED: Government Audit and Oversight Committee

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 17, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

File No. 080350

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

6\30\08

Date Approved

Mayor Gavin Newsom

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2008 JUN -2 AM 10:02

BY SW

City and County of San Francisco

Interim Consolidated Budget
and
Annual Appropriation Ordinance

Fiscal Year Ending June 30, 2009
and
Fiscal Year Ending June 30, 2010 for the

Municipal Transportation Agency

File No. 080723 Ordinance 114-08

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Gavin Newsom, Mayor

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080723 **Date Passed:**

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2009 and for the Municipal Transportation Agency fiscal years ending June 30, 2009 and June 30, 2010.

June 17, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

File No. 080723

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6\30\08

Date Approved

Mayor Gavin Newsom

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2008 JUN -2 AM 10: 03

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CITY AND COUNTY OF SAN FRANCISCO

INTERIM
ANNUAL SALARY ORDINANCE

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File No. 080724 Ordinance No. 115-08

FISCAL YEAR ENDING JUNE 30, 2009

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 080724 **Date Passed:**

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009 and for the Municipal Transportation Agency, Fiscal Years ending June 30, 2009 and June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

June 17, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

June 24, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

File No. 080724

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

6\30\08

Date Approved

Mayor Gavin Newsom

FILE NO. 080613 ORDINANCE NO. 116-08

[Local Business Enterprise and Non-Discrimination in Contracting ordinance shall terminate 120 days after the injunction in Coral v. Construction, Inc. (S.F. Sup. Ct. No. 421249) is lifted or stayed.]

Ordinance amending the Administrative Code 14B.18 to suspend enforcement of 14.B and reinstate Chapter 12D.A. 120 days after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 14B.18, to read as follows:

SEC. 14B.18. APPLICABILITY, OPERATIVE DATE AND TRANSITION PROVISIONS.

(A) Suspension of Chapter 12D.A. All provisions of Administrative Code Chapter 12D.A that were invalidated by the *San Francisco* Superior Court orders dated July 26 and August 23, 2004, in Coral Construction, Inc. v. City and County of San Francisco (*S.F.* Sup. Ct. No. 421249) shall be and are suspended and are of no force and effect; provided, however, ~~*the provisions of Chapter 12D.A that were invalidated by the court's orders shall be suspended only so long as, and only to the extent that, the City is enjoined by the court from enforcing the provisions of Chapter 12D.A. If*~~ *if* the injunction is lifted or stayed in its entirety, Chapter 12D.A shall ~~*automatically*~~ become effective and enforceable *120 days after date of said action* and this Chapter 14B shall be suspended.

(B) Operative date of this Chapter. Chapter 14B shall become operative on September 1, 2006, and shall govern all contracts initiated on or after that date.

(C) Applicability. Chapters 12D.A, 14A and 14B shall apply as follows:

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FILE NO. 080613 ORDINANCE NO. 116-08

[Local Business Enterprise and Non-Discrimination in Contracting ordinance shall terminate 120 days after the injunction in Coral v. Construction, Inc. (S.F. Sup. Ct. No. 421249) is lifted or stayed.]

Ordinance amending the Administrative Code 14B.18 to suspend enforcement of 14.B and reinstate Chapter 12D.A. 120 days after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 14B.18, to read as follows:

SEC. 14B.18. APPLICABILITY, OPERATIVE DATE AND TRANSITION PROVISIONS.

(A) Suspension of Chapter 12D.A. All provisions of Administrative Code Chapter 12D.A that were invalidated by the *San Francisco* Superior Court orders dated July 26 and August 23, 2004, in Coral Construction, Inc. v. City and County of San Francisco (*S.F.* Sup. Ct. No. 421249) shall be and are suspended and are of no force and effect; provided, however, ~~*the provisions of Chapter 12D.A that were invalidated by the court's orders shall be suspended only so long as, and only to the extent that, the City is enjoined by the court from enforcing the provisions of Chapter 12D.A. If*~~ *if* the injunction is lifted or stayed in its entirety, Chapter 12D.A shall ~~*automatically*~~ become effective and enforceable *120 days after date of said action* and this Chapter 14B shall be suspended.

(B) Operative date of this Chapter. Chapter 14B shall become operative on September 1, 2006, and shall govern all contracts initiated on or after that date.

(C) Applicability. Chapters 12D.A, 14A and 14B shall apply as follows:

(1) Any amendment to a contract initiated before July 26, 2004 in which the Contractor agreed to comply with Chapter 12D.A shall be governed by Chapter 12D.A; provided, however, that if a competitive solicitation for an agreement to the proposed changes to the contract is required by law, or the law would otherwise require execution of a new contract, rather than an amendment to an existing contract, the provisions of Chapter 14B and not Chapter 12D.A shall apply.

Chapter 14A shall apply to (1) all contracts in which the Contractor agreed to comply with Chapter 14A and any amendment to those contracts and (2) all contracts initiated on or after July 26, 2004 and before September 1, 2006 and any amendment to such contracts; provided, however, that if a competitive solicitation for an agreement to the proposed changes to the contract is required by law, or the law would otherwise require execution of a new contract, rather than an amendment to an existing contract, theprovisions of Chapter 14B and not Chapter 14A shall apply.

(2) This Chapter 14B shall govern all contracts initiated on or after September 1, 2006, and any amendments thereto.

(3) For all contracts described in Section 14B.18(C)(1) and Section 14B.18(C)(2) to which this Chapter 14B applies, when any provision of the San Francisco Municipal Code or other local law refers to Chapter 12D.A or 14A of the San Francisco Administrative Code, it shall be read as referring instead to Chapter 14B.

(D) Transition Provisions. In order to effect an orderly transition from Chapter 14A to this Ordinance, any business certified as an LBE under Chapter 12D.A or a DBE under Chapter 14A shall be deemed an LBE under this Chapter 14B until the earlier of (1) the expiration of the business' certification under 12D.A or 14A, (2) the business' failure to maintain the certification criteria under which it was certified, or (3) January 1, 2007. The

Director may, by appropriate rules and regulations, establish proceduresto allow such businesses certified as LBEs or DBEs under 12D.A or 14A to demonstrate their eligibility for certification under Section 14B.3 of this Ordinance on an expedited basis, prior to the expiration of their existing certification.

The Director shall deem any application for DBE certification under Chapter 14A that is pending on the effective date of this Ordinance to be an application for certification under Chapter 14B.

(E) State or Federal Provisions. In contracts which involve the use of any funds furnished, given or loaned by the Government of the United States or the State of California, all laws, rules and regulations of the Government of the United States or the State of California or of any of its departments relative to the performance of such work and the conditions under which the work is to be performed, shall prevail over the requirements of this Ordinance when such laws, rules or regulations are in conflict.

(F) Severability. The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

(G) General welfare clause. In undertaking the enforcement of this Ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(H) Three-year review. No later than three years from the effective date of this Ordinance, the Board of Supervisors shall hold a hearing for the purpose of conducting a comprehensive review of this Ordinance. The Board shall take testimony from all affected parties, and shall enact any changes that it deems appropriate.

(l) Municipal Transportation Agency. Consistent with Charter Section 8A.101(g), the Municipal Transportation Agency shall comply with the provisions of this Chapter 14B.

(Added by Ord. 92-06, File No. 050784, App. 5/11/2006)

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ____________________
Alicia Cabrera
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080613 **Date Passed:**

Ordinance amending the Administrative Code 14B.18 to suspend enforcement of 14.B and reinstate Chapter 12D.A. 120 days after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

June 24, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 8, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 080613

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 8, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7-11-08

Date Approved

Mayor Gavin Newsom

File No. 080613

Amendment of the Whole
In Board
6/24/08

FILE NO. 080614 ORDINANCE NO. 117-08

[Extending the expiration date of the MBE/WBE/LBE Ordinance.]

Ordinance extending the expiration date of Chapter 12D.A, the City's Minority/Women/Local Business Utilization program until one year after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed, and provides for retroactivity.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 12D.A.22, to read as follows:

SEC. 12D.A.22. EXPIRATION.

Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) invalidated portions of this Chapter and enjoined the City from implementing this program. As a result, the City implemented a race-and gender-neutral program under Chapter 14B of the San Francisco Administrative Code and suspended Chapter 12D.A. of the San Francisco Administrative Code so long as, and only to the extent that, the City is enjoined by the court from enforcing the provisions of this Chapter. In the event the injunction is lifted or stayed, ~~*T*~~*t*his ordinance shall expire *one year from date of said action.* ~~*June 30, 2008.*~~ ~~*If, however,*~~ *If, during that year,* the Commission, after conducting public hearings, finds that the purposes identified in ~~*Section*~~ *Chapter* 12D.A.3 have not yet been achieved *and the program continues to be required under federal law,* the Commission shall certify that finding to this Board no later than 120 days prior to the expiration date. Thereafter, upon finding a good cause, this Board may extend the ordinance for additional three-year periods.

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Mayor Newsom, Supervisor Alioto-Pier

Section 2. The continuation of Chapter 12.D.A effected by this ordinance shall be retroactive to July 1, 2008.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
Alicia Cabrera
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080614 **Date Passed:**

Ordinance extending the expiration date of Chapter 12D.A, the City's Minority/Women/Local Business Utilization program until one year after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

June 24, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

June 24, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 8, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 080614

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 8, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·11·08

Date Approved

Mayor Gavin Newsom

FILE NO. 080660 ORDINANCE NO. 118-08

[Zoning – Urgency Ordinance Extending An Interim Zoning Moratorium On Enterprises That Sell Tobacco Paraphernalia.]

Ordinance extending an interim zoning moratorium for six (6) months, to temporarily prohibit the establishment of new enterprises, subject to specified exceptions, that sell Tobacco Paraphernalia, as defined, in all Commercial, Mixed Use and Industrial districts, and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

Note: Additions are *single-underline italics Times New Roman*;
deletions are *~~strikethrough italics Times New Roman~~*.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) General Findings.

(1) San Francisco has witnessed an increase in the number of enterprises selling paraphernalia, devices, or instruments that are designed and manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054 et seq. ("Tobacco Paraphernalia").

(2) The inordinate number of these enterprises appears to contribute directly to numerous peace, health, safety, and general welfare problems, including drug use, drug sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems on public streets and neighborhood lots.

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(3) The existence of such problems adversely impacts the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco.

(4) Such problems also contribute to the deterioration of neighborhoods, concomitant devaluation of real property, and destruction of community values and quality of life.

(5) Such adverse impacts also discourage more desirable and needed commercial uses in various neighborhoods throughout the City.

(6) San Francisco's Commercial, Industrial, and Mixed Use Districts as established in the San Francisco Municipal Code Part II, Chapter II ("Planning Code") Sections 210 et seq. and 801 et seq., have experienced an increase in the number of retail sales and service enterprises selling Tobacco Paraphernalia.

(7) The proliferation of these enterprises has had, and will continue to have, detrimental impacts on the City's Commercial, Industrial and Mixed Use Districts.

(8) This interim moratorium is necessary to alleviate the problems and detrimental impacts associated with enterprises selling Tobacco Paraphernalia pending a study and a determination by the Department of City Planning and the Board of Supervisors of the appropriate permanent controls for such enterprises.

(9) It is not the intent of these controls to regulate or affect, in any way, the sale, distribution, delivery, furnishing, or marketing of tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law.

(b) Findings related to the imposition of an interim moratorium.

(1) California Government Code Section 65858 and Planning Code Section 306.7 authorize the City to adopt interim zoning moratoria to prohibit any uses that may be in conflict

with a contemplated zoning proposal that the Board or the Planning Department are studying, or intend to study in a reasonable time.

(2) This moratorium is intended and designed to deal with and ameliorate the problems and conditions associated with the proliferation of establishments selling Tobacco Paraphernalia, as the Board or the Planning Department consider the establishment of permanent controls regarding the matter.

(3) This moratorium was initially enacted on April 8, 2008, as Ordinance No. 64-08, and went into effect on April 14, 2008. A copy of this Ordinance is on file with the Clerk of the Board of Supervisors on File No. 080237, and is incorporated herein by reference.

(4) On May 5, 2008, the Planning Department issued a Report to the Clerk of the Board of Supervisors, analyzing the interim moratorium and describing the Department's efforts to address the problem of excessive enterprises selling Tobacco Paraphernalia. On __________, 2008, the Board adopted such report in Motion No. _________. Said Report and Motion are on file with the Clerk of the Board of Supervisors in File No. _________, and are incorporated herein by reference.

(5) The Board has considered the impact on the public health, safety, peace, and general welfare if the interim controls proposed herein are not extended.

(6) The Board has determined that the public interest will be best served by extension of this interim moratorium at this time, in order to ensure that the permanent controls which may be ultimately adopted are not undermined during the planning and legislative process, which process shall be conducted within a reasonable time.

(7) The Board has determined that the extension of this moratorium will have no effect on multifamily housing, therefore there is no need to make the findings specified in California Government Code Section 65858(c)(1)-(3).

(8) The Board has decided to extend the moratorium for a total of six (6) months from the day of expiration of the initial moratorium.

(c) Planning Code Section 101.1 Findings.

This interim zoning moratorium advances and is consistent with Priority Policies the Planning Code Section 101.1, particularly Policies 1 and 2, in that it attempts to preserve and enhance the character and vitality of the City's neighborhoods. With respect to Priority Policies 3, 4, 5, 6, 7, and 8, the Board finds that the interim zoning moratorium does not, at this time, have an effect upon these policies, and thus, will not conflict with said policies.

(d) Environmental Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _________ and is incorporated herein by reference.

Section 2. The following interim zoning moratorium shall be adopted as an Urgency Ordinance:

(a) New Uses Selling Tobacco Paraphernalia Prohibited. As of the effective date of this emergency ordinance, the establishment of any new use that sells Tobacco Paraphernalia, as defined herein, is prohibited in all of the City's Commercial, Industrial and Mixed Use districts.

(b) Existing Uses Exempted. Any lawfully existing enterprise that sells Tobacco Paraphernalia prior to the effective date of this emergency ordinance is exempt from this interim moratorium unless such enterprise ceases to operate or discontinues operation for ninety (90) days or longer, in which event the use shall be deemed abandoned.

(c) This interim zoning moratorium shall not apply to:

(1) A change in ownership; or

(2) Re-establishment or repair of an enterprise selling Tobacco Paraphernalia on the same lot after destruction or damage due to fire, riot, insurrection or act of God; provided, however, that there is no expansion or significant change in mode or character of the enterprise which intensifies the area devoted to selling tobacco paraphernalia.

(d) This interim moratorium shall remain in effect for six (6) months from the date of expiration of the initial interim moratorium.

(e) Definitions. For the purposes of this interim moratorium, the following definitions shall apply:

(1) "Sell", "Sells", or "Selling" means a commercial transaction in which Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another;

(2) "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054 et seq. Tobacco Paraphernalia does not include tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ______________________
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080660 **Date Passed:**

Urgency Ordinance extending an interim zoning moratorium for six (6) months, to temporarily prohibit the establishment of new enterprises, subject to specified exceptions, that sell Tobacco Paraphernalia, as defined, in all Commercial, Mixed Use and Industrial districts, and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

July 8, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 080660

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 8, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo,
Clerk of the Board

7·11·08

Date Approved

Mayor Gavin Newsom

FILE NO. 080277 ORDINANCE NO. 119-08

[Administrative Code Chapter 6 – technical amendments and amendments to contracting procedures.]

Ordinance amending San Francisco Administrative Code Chapter 6 to correct typographical errors in subsections 6.22(B) and 6.22(H)(2)(d), to clarify and revise subsection 6.22(J) concerning retention of progressive payments, to clarify and revise subsection 6.23(C) concerning the rejection or failure of bids, to revise section 6.61 concerning design-build contracting procedures, and to add a new section 6.28 authorizing the use of integrated project delivery.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 6.22, to read as follows:

SEC. 6.22. PUBLIC WORK CONSTRUCTION CONTRACT TERMS AND WORKING CONDITIONS.

All construction contracts awarded by the City and County of San Francisco shall contain the following minimum terms and conditions:

(A) **Bonds.** Before the execution of any contract for public works or improvements, the department head authorized to execute such contracts shall require the successful bidder to file corporate surety bonds for the faithful performance thereof and to guarantee the payment of wages for services engaged and of bills contracted for material, supplies and equipment used in the performance of the contract. The bond shall be for a sum not less than 100 percent of the award.

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The City and County of San Francisco, acting through its Human Rights Commission ("HRC"), intends to provide guarantees to private bonding assistance companies and financial institutions in order to induce those entitles to provide required bonding and financing to eligible contractors bidding on and performing City public work contracts. This bonding and financial assistance program is subject to the provisions of Administrative Code Section 12D.A.9.

(B) **Insurance.** All construction contracts awarded under this Chapter must conform to the insurance requirements established by the Risk Manager. The Risk Manager shall develop uniform insurance requirements for City contracts subject to this Chapter and shall publish such requirements in the Risk Manager's Manual. The Risk Manager shall review and update such insurance requirements on an annual basis.

Every contractor and subcontractor shall comply with the provisions of the California Labor Code section 3700. Prior to commencing performance of Work under any public work contract, the contractor and all of its subcontractors *shall* file with the awarding department a certificate of Insurance against liability for workers compensation or proof of self-insurance in accordance with the provisions of the California Labor Code.

(C) **Indemnification.** All construction contracts awarded under this Chapter shall require that the contractor fully indemnify the City and County to the maximum extent provided by law, such that each contractor must save, keep, bear harmless and fully indemnify the City and County and any of its officers or agents from any and all liability, damages, claims, judgments or demands for damages, costs or expenses in law or equity that may at any time arise.

This indemnification requirement may not be waived or abrogated in any way for any contract without the recommendation of the City's Risk Manager and the express permission and approval of the Board of Supervisors.

(D) **Assignment.** No contract shall be assigned except upon the recommendation of the department head concerned and with the approval of the Mayor or the Mayor's designee, relative to the department under the Mayor's jurisdiction, or the approval of the board or commission concerned for departments not under the Mayor.

(E) **Prevailing Wages.**

(1) **Generally.** All contractors and subcontractors performing a public work or improvement for the City and County of San Francisco shall pay its workers on such projects the prevailing rate of wages as provided below. For the purpose of the prevailing wage requirements only, the definition of a public work shall include those public works or improvements defined in the foregoing section 6.1 of this Chapter and shall also include (a) any trade work performed at any stage of construction (including preconstruction work) and (b) any public work paid for by the City and County of San Francisco with "the equivalent of money" under the meaning of Labor Code section 1720(b).

(2) **Leased Property Included.** For the limited purposes of this subsection, a "public work or improvement" also means and includes any construction work done under private contract when all of the following conditions exist:

(a) The construction contract is between private persons; and

(b) The property subject to the construction contract is privately owned, but upon completion of the construction work will be leased to the City and County of San Francisco for its use; and

(c) Either of the following conditions exist: (1) The lease agreement between the lessor and the City and County of San Francisco, as lessee, is entered into prior to the construction contract, or (2) The construction work is performed according to the plans, specifications, or criteria furnished by the City and County of San Francisco, and the lease agreement between the lessor and the City and County of San Francisco as lessee, is entered into during, or upon completion, of the construction work.

(3) **Determination of the Prevailing Wage.** It shall be the duty of the Board of Supervisors, from time to time and at least once during each calendar year, to fix and determine the prevailing rate of wages as follows:

On or before the first Monday in November of each year, the Civil Service Commission shall furnish to the Board of Supervisors data as to the highest general prevailing rate of wages of the various crafts and kinds of labor as paid in private employment in the City and County of San Francisco, plus "per diem wages" and wages for overtime and holiday work. The Civil Service Commission shall provide the Board of Supervisors data for "per diem wages" pursuant to California Labor Code sections 1773.1 and 1773.9, as amended from time to time. The Board of Supervisors shall, upon receipt of such data, fix and determine the prevailing rate of wages. The prevailing rate of wages as so fixed and determined by the Board of Supervisors shall remain in force and shall be deemed to be the highest general prevailing rate of wages paid in private employment for similar work, until the same is changed by the Board of Supervisors. In determining the highest general prevailing rate of wages per diem wages and wages for overtime and holiday work, as provided for in this section, the Board of Supervisors shall not be limited to the consideration of data furnished by the Civil Service Commission, but may consider such other evidence upon the subject as the

Board shall deem proper and thereupon base its determination upon any or all of the data or evidence considered.

In the event that the Board of Supervisors does not fix or determine the highest general prevailing rate of wages in any calendar year, the rates established by the California Department of Industrial Relations for such year shall be deemed adopted.

(4) **Specifications to Include Wage Rate.** The department head authorized to execute a construction contract under this Chapter shall include in the contract specifications, or make available in the offices of the department or at the job site, a detailed statement of the prevailing rate of wages as fixed and determined by the Board of Supervisors at the time the department issued the Advertisement for Bids on the contract. The contractor shall agree to pay to all persons performing labor in and about the public work or improvement the highest general prevailing rate of wages as determined pursuant to this Chapter, including wages for holiday and overtime work. If the specifications do not include the prevailing rate of wages, the specifications shall include a statement that copies of the prevailing rate of wages as fixed and determined by the Board of Supervisors are on file at the department's principal office or at the job site and shall be made available to any interested party on request.

(5) **Subcontractors Board by Wage Provisions.** Every contract for any public work or improvement shall also contain a provision that the contractor shall insert in every subcontract or other arrangement which he or she may make for the performance of any work or labor on a public work or improvement. This provision shall be that the subcontractor shall pay to all persons performing labor or rendering service under said subcontract or other arrangement the highest general prevailing rate of wages as fixed and determined by the Board of Supervisors for such labor or services.

(6) **Records to be Kept by Contractors and Subcontractors.** Every public works contract or subcontract awarded under this Chapter shall contain a provision that the contractor shall keep, or cause to be kept, for a period of four years from the date of substantial completion of a public work, payrolls and basic records including time cards, trust fund forms, apprenticeship agreements, accounting ledgers, tax forms and superintendent and foreman daily logs for all trades workers performing work at or for a City and County of San Francisco public work or improvement. Such records shall include the name, address and social security number of each worker who worked on the project, including apprentices, his or her classification, a general description of the work each worker performed each day, the rate of pay (including rates of contributions for, or costs assumed to provide fringe benefits), daily and weekly number of hours worked, deductions made and actual wages paid. Every subcontractor who shall undertake the performance of any part of a public work or improvement shall keep a like record of each person engaged in the execution of the subcontract.

The contractor shall maintain weekly certified payroll records for submission to the awarding department as required. The contractor shall be responsible for the submission of payroll records of its subcontractors. All certified payroll records shall be accompanied by a statement of compliance signed by the contractor indicating that the payroll records are correct and complete, that the wage rates contained therein are not less than those determined by the San Francisco Board of Supervisors and that the classifications set forth for each employee conform with the work performed.

All such records as described in this section shall at all times be open to inspection and examination of the duly authorized officers and agents of the City and County of San Francisco, including representatives of the Office of Labor Standards Enforcement.

Should the department head responsible for the public work or the Labor Standards Enforcement Officer determine that a contractor or subcontractor is not in compliance with the requirements of this subsection, the department head or the Labor Standards Enforcement Officer shall issue a written notification to the contractor or subcontractor mandating compliance within not fewer than ten calendar days from the date of notification. Should the contractor or subcontractor fail to comply as required in the notification, the department head who executed the contract or the Labor Standards Enforcement Officer may impose a penalty of $25.00 for each calendar day of noncompliance, or portion thereof, for each worker. Upon the request of the responsible department head or the Labor Standards Enforcement Officer, the Controller shall withhold these penalties from progress payments then due or to become due.

(7) **Additional Required Contract Provisions.** Every public works contract shall contain provisions stating that (1) the contractor will cooperate fully with the Labor Standards Enforcement Officer and other City employees and agents authorized to assist in the administration and enforcement of the prevailing wage requirements and other labor standards imposed on public works contractors by the Charter and Chapter 6 of the San Francisco Administrative Code; (2) the contractor agrees that the Labor Standards Enforcement Officer and his or her designees, in the performance of their duties, shall have the right to engage in random inspections of job sites and to have access to the employees of the contractor, employee time sheets, inspection logs, payroll records and employee paychecks; (3) the contractor shall maintain a sign-in and sign-out sheet showing which employees are present on the job site; (4) the contractor shall prominently post at each job-site a sign informing employees that the project is subject to the City's prevailing wage requirements and that these requirements are enforced by the Labor Standards Enforcement

Officer; and (5) that the Labor Standards Enforcement Officer may audit such records of the contractor as he or she reasonably deems necessary to determine compliance with the prevailing wage and other labor standards imposed by the Charter and this Chapter on public works contractors. Failure to comply with these requirements may result in penalties and forfeitures consistent with California Labor Code section 1776(g), as amended from time to time.

(8) **Non-compliance with Wage Provisions—Penalties.**

(a) **Penalty and Forfeiture.** Any contractor or subcontractor who shall fail or neglect to pay to the several persons who shall perform labor under any contract, subcontract or other arrangement on any public work or improvement as defined in this Chapter the highest general prevailing rate of wages as fixed by the Board of Supervisors under authority of this Chapter, shall forfeit; and, in the case of any subcontractor so failing or neglecting to pay said wage, the original contractor and the subcontractor shall jointly and severally forfeit to the City and County of San Francisco back wages due plus the penal sum of $50 per day for each laborer, workman or mechanic employed for each calendar day or portion thereof, while they shall be so employed and not paid said highest general prevailing rate of wages, and in addition shall be subject to the penalties set forth in Article V of this Chapter, including debarment.

(b) **Enforcement.** It shall be the duty of the officer, board or commission under whose jurisdiction said public work or improvement is being carried on, made or constructed, when certifying to the Controller any payment which may become due under said contract, to deduct from said payment or payments the total amount of said forfeiture provided for in this subsection. In doing so, the department head must also notify in writing the Labor Standards Enforcement Officer of his/her action. The Labor Standards Enforcement Officer may also, upon written notice to the department head who is responsible for the project, certify to the Controller any forfeiture(s) to deduct from any payment as provided for in this subsection. Certification of forfeitures under this subsection shall be made only upon an investigation by the responsible department head or the Labor Standards Enforcement Officer and upon written notice to the contractor identifying the grounds for forfeiture or forfeitures. The Controller, in issuing any warrant for any such payment, shall deduct form the amount which would otherwise be due on said payment or payments the amount of said forfeiture or forfeitures as so certified.

(c) **Recourse Procedures.** If the contractor or subcontractor disagrees with the forfeiture as so provided in the foregoing subparagraph (b), then the following procedure applies:

(i) The contractor or subcontractor may request a hearing in writing within 15 days of the date of the notification of forfeiture. The request shall be directed to the City Controller. Failure by the contractor or subcontractor to submit a timely, written request for a hearing shall constitute concession to the assessment and the forfeiture shall be deemed final upon expiration of the 15-day period.

(ii) Within 15 days of receiving a proper request, the Controller shall appoint a hearing officer with knowledge and not less than five years' experience in labor law, prevailing wage, and/or wage and hour issues, and shall so advise the enforcing official and the contractor or subcontractor, and/or their respective counsel or authorized representative;

(iii) The hearing officer shall promptly set a date for a hearing. The hearing must commence within 45 days of the notification of the appointment of the hearing officer and conclude within 75 days of such notification unless all parties agree to an extended period.

(iv) The contractor and subcontractor shall have the burden of proving that the basis for the back wage and penalty assessment is incorrect;

(v) Within 30 days of the conclusion of the hearing, the hearing officer shall issue a written decision affirming, modifying, or dismissing the assessment. The decision of the hearing officer shall consist of findings and a determination. The hearing officer's findings and determination shall be final.

(vi) The contractor of subcontractor may appeal a final determination under this section only by filing in the San Francisco Superior Court a petition for a writ of mandate under California Code of Civil Procedure, section 1084, et seq., as applicable and as may be amended from time to time.

(d) **Distribution of Forfeiture.** The Controller shall withhold any forfeiture as provided in the foregoing paragraphs until such time as either the contractor or subcontractor has conceded to the forfeiture or, in the event of an objection, there is a determination no longer subject to judicial review. The Controller shall then distribute the amounts withheld in the following order: (1) the Labor Standards Enforcement Officer shall make its best efforts to distribute back wages withheld to the individual workers identified as not having been paid the proper wage rate; (2) the penal sums provided for above inure to the benefit of the general fund of the City and County of San Francisco; (3) the Controller shall hold the balance of any back wages in escrow for workers whom the Labor Standards Enforcement Officer, despite his/her best efforts, cannot locate; funds so held for two years or more shall be dedicated to the enforcement of the prevailing wage requirements.

(F) **Hours and Days of Labor.**

(1) **Generally.** For the purpose of meeting prevailing conditions and enabling employers to secure a sufficient number of satisfactory workers and artisans, no person

performing labor or rendering service in the performance of any contract or subcontract for any public work or improvement as defined in this Chapter shall perform labor for a longer period than five days (Monday through Friday) of eight hours each, with two 10-minute breaks per eight-hour day, except in those crafts in which a different work day or week now prevails by agreement in private employment. Any person working hours in addition to the above shall be compensated in accordance with the prevailing overtime standards and rates.

(2) **Noncompliance—Penalties and Forfeiture.** Any contractor or subcontractor who shall violate any of the provisions of this subsection shall be liable for the same penalties and forfeits as those specified in Subsection 6.22(E) of this Chapter; penalties and forfeits shall be applicable for each laborer, mechanic or artisan employed for each calendar day or portion thereof whereon such laborer, mechanic or artisan is compelled or permitted to work more than the days and hours specified herein. The provisions of this subsection shall be made a part of all contracts and subcontracts for the construction of any public work or improvement.

(3) **Contracts Outside City and County.** In the event that any public work or improvement is to be constructed outside of the City and County of San Francisco and at such a distance therefrom that those engaged in performing labor on said public work or improvement must under ordinary conditions remain at or near the site of said work or improvement when not actually engaged in the performance of labor thereon, then the officer, board or commission responsible for the construction of said public work or improvement may, in making specifications or letting contracts thereon, make provisions therein for days and hours of labor beyond the limitations provided for in Section 6.22(F) of this Chapter; but not to exceed eight hours in any one calendar day, or six days in any calendar week. In the event that emergency conditions shall arise, making a change advisable during the performance of

any such contract, or any portion thereof, the hours and days of labor may be extended beyond the limits hereinabove expressed; but not to exceed eight hours per day, upon the written authority of the officer, board or commission awarding such contract. Failure of the contractor to perform such contract within the time provided shall not constitute an emergency.

(G) **Local Hiring.**

(1) **Contract Requirements.** All construction contracts for public works or improvements to be performed within the boundaries of the City and County of San Francisco shall contain the following provisions:

Contractor agrees to make a good-faith effort, with the assistance of community organizations designated by the City or local labor union hiring halls, to hire qualified individuals who are residents of the City and County of San Francisco to comprise not less than 50% of each contractor's total construction work force, measured in labor work hours, and contractor promises to give special preference to minorities, women and economically disadvantages individuals.

Contractor shall keep, and provide to the City, an accurate record showing the name, place of residence, hours employed and per diem pay of each person employed by the contractor, including full-time, part-time, permanent and temporary employees.

Contractor shall keep, and provide to the City, an accurate record describing in detail contractor's good-faith efforts to secure employment of residents of the City and County of San Francisco.

A failure to abide by these contract provisions may result in the imposition of sanctions and penalties, including those provided for in San Francisco Administrative Code Section 6.80.

(2) **Definitions.**

"Qualified Individual" shall mean an individual who (A) is eligible for a certified apprenticeship program in an applicable trade; (B) has completed a certified apprenticeship program in an applicable trade; or (C) has completed comparable time in an applicable trade.

"Resident of the City and County of San Francisco" shall mean an individual who is domiciled, as defined by Section 200(b) of the California Election Code, within the boundaries of the City and County during the entire time of the performance of the contract and who can verify his or her domicile, upon request of the contractor or City, by producing documentation such as a rent/lease agreement, telephone and utility bills or payment receipts, a valid California driver's license or identification card, and/or any other similar, reliable evidence that verifies that the individual is domiciled within the City and County of San Francisco.

"Economically disadvantaged" shall mean an individual who has been unable to secure employment in his or her trade for more than 20 working days in the past six months, or whose annual maximum income falls within the income limits established by the Mayor's Office of Community Development for the Community Development Block Grant (CDBG) programs.

(3) **Enforcement.** The Human Rights Commission shall be the City agency charged with the monitoring and enforcement of the provisions of this subsection.

(H) **Modifications—General Requirements.** If it becomes necessary in the prosecution of any public work or improvement under contract to make alternations or modifications or to provide for extras, such alterations, modifications or extras shall be made only on written recommendation of the department head responsible for the supervision of the contract, together with the approval of the Mayor or the Mayor's designee or the board of commission, as appropriate to the department, and also the approval of the Controller, except as hereafter provided. The Mayor or the board or commission, as appropriate to the department, may delegate in writing the authority to approve such alterations, modifications or extras to the department head, except as provided below. The Controller may delegate in writing the authority to encumber funds from prior appropriations for such alterations, modifications or extras to the department head prior to the certification for payment. Such authority, when granted, will clearly state the limitations of the changed to be encompassed.

(1) **Increasing or Decreasing Price.** Alterations, modifications or extras in any contract, which will increase or decrease the contract cost or scope, may be made or allowed only on the written recommendation of the department head responsible for the supervision of the contract stating the amount and basis for such increase or decrease. For any cumulative increase or decrease in price in excess of ten percent of the original contract price or scope, the department head shall obtain the approval of the Mayor or Mayor's designee or the board or commission as appropriate and also the approval of the Controller notwithstanding any delegation provided for above.

(2) **Extensions of Time.** Upon finding that work under a construction contract cannot be completed within the specified time because of an unavoidable delay as defined in the contract, the department head may extend the time for completion of the work. If the cumulative extensions of time exceeds ten percent of the original contract duration, the department head shall first obtain the approval of the Mayor, the Mayor's Designee, board or commission, as appropriate to the department notwithstanding any delegation provided for above. All time extensions shall be in writing, but in no event shall any extension by granted subsequent to the issuance of a certificate of final completion.

(a) **Time Extension Not Waiver of City's Rights.** The granting of an extension of time because of unavoidable delays shall in no way operate as a waiver on the part of the City and County or department head, Mayor, board or commission of the right to collect liquidated damages for other delays or of the right to collect other damages or of any other rights to which the City and County is entitled.

(b) **No Extension Granted When Contract Based on Time Estimates.** When any award of contract has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, no extension of time may be granted on such contract beyond the time specified for completion, unless the liquidated damages for each day the work in uncompleted beyond the specified time shall be collected; provided, however, that this shall not apply to unavoidable delays due to acts of God.

(c) **Avoidable and Unavoidable Delay; Limitation of Damages for Delay.** The department head administering the public work shall have the authority to specify in the contract the delays that shall be deemed avoidable and unavoidable. The City and County shall not pay damages or compensation of any kind to a contractor because of delays in the progress of the work, whether such delays be avoidable or unavoidable; provided, however, the City and County may pay for (1) delays caused to the contractor by the City and County; and (2) such unavoidable delays as may be specifically stated in the contract. Such latter delays will be compensated for only under the conditions specified in the contract.

(d) **Notice of Delay Required.** The contractor shall promptly notify the department head in writing, of all anticipated delays in the prosecution of the work and, in any event, promptly upon the occurrence of delay~~;~~. ~~t~~*T*he notice shall constitute an application for an extension of time only if the notice request such extension and sets forth the contractor's estimate of the additional time required together with a full recital of the causes of unavoidable delays relied upon. The department head may take steps to prevent the occurrence or continuance of the delay, may classify the delay as avoidable or unavoidable and may determine to what extent the completion of the work is delayed thereby.

(I) **Liquidated Damages.** Any contract may provide a time within which the contract work, or portions thereof, shall be completed and may provide for the payment of agreed liquidated damages to the City and County for every calendar or working day thereafter during which such work shall be uncompleted.

(J) **Retention of Progressive Payments.** ~~*Any contract may provide for progressive payments, if the Advertisement for Bids shall so specify. No progressive payments under the contract shall be made which, with prior payments, shall exceed in amount 90 percent of the value of the work and labor and materials furnished. However, if the department head responsible for the public work determines that the contract is 50 percent or more complete, that the contractor is making satisfactory progress and that there is no specific cause for greater withholding, the department head may authorize that either (a) the amount held in retention be liquidated to an amount not less than 5% of the contract price, including all modifications, and that future progressive payments may not exceed 95% of the value of the work and labor and materials furnished or (b) once the amount held in retention equals an amount not less than 10% of the contract price, including all modifications, that no further retention be deducted from progressive payments. When the department head responsible for the public work determines that the contract is 95 percent complete, the department shall make no further payments to the contractor until the department head responsible for the public work determines the project to be 100% complete.*~~

(1) Any contract may provide for progressive payments, if the Advertisement For Bids shall so specify. Each progress payment shall constitute full compensation for the value of work performed and materials furnished for a specified period, less amounts withheld as a result of dispute or as required by law.

(2) From every progress payment, the City shall hold 10 percent in retention.

(3) If the department head responsible for the public work or his/her designee determines that the contract is 50 percent or more complete, that the contractor is making satisfactory progress, and that there is no specific cause for greater withholding, the department head or his/her designee, upon the written request of contractor, may authorize one of the following two options: (a) the City shall release part of the retention to the contractor so that the amount held in retention by the City, after release to the contractor, is reduced to an amount not less than 5 percent of the total value of the labor and materials furnished, and the City shall proceed to retain 5 percent of any subsequent progress payment under the contract; or (b) the City shall continue to hold the already withheld retention amount, up to 5 percent of the total contract price, and shall not deduct further retention from progress payments.

(4) Retention shall be withheld solely for the benefit and protection of the City.

(5) The City shall release retention to the contractor upon the following conditions: (a) the contractor has reached final completion under the contract terms and conditions and (b) the contract is free of offsets by the City for liquidated damages, defective work and the like, and is free of stop notices, forfeitures, and other charges. When the department head responsible for the public work or his/her designee determines that the contract is 98 percent or more complete, the department head or his/her designee may reduce retention funds to an amount equal to 200 percent of the estimated value of work yet to be completed, provided that the contract is free of offsets by the City and is free of stop notices, forfeitures, and other charges.

(6) In no event shall the City be liable for interest or charges arising out of or relating to the date the City issues any progress payment or the date the City releases all or part of the retention, except that the City will pay interest at the legal rate, as set forth in section 685.010(a) of the California Code of Civil Procedure as that section may be amended from time to time, on any improperly withheld amounts commencing no earlier than 90 days after the date the City should have

made any progress payment or released all or part of the retention. Under no circumstances shall the legal rate of interest paid by the City under this provision exceed 10 percent per annum. The payment of interest under this provision is the limit of the City's liability with respect to any claim for interest on improperly withheld amounts.

(K) **Inspection and Acceptance of Completed Work; Final Payment.** The department head authorized to execute any contract for public works or improvements shall be responsible for the inspection and acceptance of such work on completion. Such acceptance shall be in writing and shall include the certificate of the department head concerned that the work covered by the contract has been fully and satisfactorily completed in accordance with the plans and specifications therefor. Receipt of copy of such acceptance in writing shall constitute the Controller's authority to complete any payments due the contractor under the contract; provided that the Controller may make such additional investigation or inspection as is provided by Administrative Code Section 10.07.

(L) **Termination for Convenience.** In all contracts for construction of any public work or improvement, the department head authorized to execute any contract for any public work or improvement may include in the specifications setting forth the terms and conditions for the performance of the contract a provision that the City and County may terminate the performance of work under the contract whenever the department head shall determine, with the approval of the Mayor, the Mayor's designee or the board or commission concerned, that such termination is in the best interest of the City and County. Any such termination shall be effected by the delivery to the contractor of a notice of termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination becomes effective. The department head is hereby authorized to include within such construction contract the appropriate language to implement this subsection.

(M) **Violations of Chapter 6; False Claims.** Every public work contract performed at the expense of the City and County of San Francisco, or the cost of which is paid for out of monies deposited in the treasury of the City and County, whether directly awarded or indirectly by or under subcontract, subpartnership, day labor, station work, piece work or any other arrangement whatsoever, shall incorporate the provisions of Article V (commencing at Section 6.80) of this Chapter, relating to administrative debarments and false claims. The failure to include such reference or incorporation shall not in any way abrogate the rights of the City and County under Article V of this Chapter.

(N) **Articles Not to be Prison Made.** No article furnished under any contract awarded under the provisions of this Chapter shall have been made in a prison or by convict labor except for articles made in prisons or by convicts under the supervision or control of the California Department of Corrections and limited to articles for use by the City and County's detention facilities.

(O) **Employment of Apprentices.** All construction contracts awarded under this Chapter shall require the Contractor to comply with the requirements of the State Apprenticeship Program (as set forth in the California Labor Code, Division 3, Chapter 4 [commencing at Section 3070] and Section 1777.5), as it may be amended from time to time, and shall require the Contractor to include in its subcontracts the obligation for subcontractors to comply with the requirements of the State Apprenticeship Program.

(P) **Safety.** All construction contracts awarded under this Chapter shall require the Contractor and all of its subcontractors to abide by the applicable Occupational Safety and Health statutes and regulations.

Additionally, all construction contracts awarded under this Chapter shall require the Contractor and all of its subcontractors to abide by the requirements of Administrative Code Section 64.1, prohibiting masonry-dry cutting and masonry dry-grinding, with exceptions.

(Q) **Claims.** The City shall consider only those claims for additional payment under a public work contract that are certified and that conform to the contract requirements for claims, pricing, and schedule.

(1) **Claims by Contractors.** The contractor shall certify under penalty of perjury that (a) the claim is made in good faith; (b) the supporting data are accurate and complete to the best of Contractor's knowledge and belief; and (c) the amount request accurately reflects the Contract adjustment for which the Contractor believes the City is liable. An individual or officer authorized to act on behalf of the Contractor shall execute the certification.

(2) **Claims by Subcontractors.** Subcontractors at any tier are not third-party beneficiaries of any Contract awarded under this Chapter. The City shall not consider a direct claim by any subcontractor. A Contractor presenting to the City any claim on behalf of a subcontractor must certify the subcontractor's claim in the same manner the Contractor would certify its own claim under the foregoing paragraph (1).

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 6.23, to read as follows:

SEC. 6.23. PUBLIC WORKS TO BE PERFORMED BY THE CITY; BIDS BY CITY DEPARTMENTS; ***PROCEDURE UPON REJECTION OR FAILURE OF BIDS***

(A) **Public Works Less Than or Equal to the Threshold Amount.** Any public work or improvement estimated to cost less than or equal to the Threshold Amount may be performed by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the City and County.

(B) **Bids by City Departments.** Appropriate City and County departments may file sealed bids for the execution of any work to be performed under a contract and shall not be required to furnish security or submit information relative to financial qualifications as provided in this Chapter. Any bid submitted by a department of the City and County, if it is the lowest bid, must be approved by the Controller before the award of contract. If the bid of a City and County department, as investigated and approved by the Controller, is the lowest, the contract shall be awarded to the department which shall record accurate unit costs of all direct and indirect charged incurred under any such contract. Such unit costs shall be reported to and audited by the Controller monthly and on completion of the work.

The Controller shall maintain records of bids filed by departments in relation to the total direct and indirect cost of each such work and shall report thereon periodically to the Mayor. The Controller may refuse to approve contracts with a department shown to be repeatedly underbidding on contract work and failing to complete same within the contract price or time.

~~*(C) **Execution Of Work By City Upon Rejection or Failure of Bids.** When bids have been advertised pursuant to the required procedure and no responsive bid is received, or where only one responsive bid has been received, the department head, with the approval of the Mayor or the Mayor's designee, or the department head, with the approval of the board or commission to which he or she is responsible, may order the related work to be executed by the City and County in the most expeditious manner, provided however, that the cost of such work shall not exceed any bid price received for the same work.*~~

*(C) **Procedure Upon Rejection or Failure of Bids.** When bids have been advertised pursuant to the required procedures and no bids are received, or only one responsive bid is received from a responsible bidder, the department head shall take the following actions, as appropriate:*

(1) No Bids Received. If no bids are received, the department head shall determine (a) whether further outreach efforts would result in contractors submitting bids and/or (b) whether removal or modification of certain requirements in the contract would result in contractors submitting bids, provided that such requirements are not required by statute or law and their removal or modification would not compromise the interests of the City and County. If the department head determines that steps (a) and/or (b), above, would likely result in contractors submitting bids, then the department head shall re-bid the work. If the department head determines that neither step (a) nor (b), above, would likely result in contractors submitting bids, then the department head, with the approval of the Mayor, the Mayor's designee, or the board or commission concerned, as appropriate, may negotiate with any qualified contractor or may order the work to be executed by the City and County.

(2) One Responsive Bid Received; No Other Bids Received. If only one responsive bid is received from a responsible bidder, and no other bids are submitted for the same work, the department head may recommend the award of a contract to the sole bidder at the bid price received, provided that the bid price does not exceed the engineer's estimate for the work. If the bid price received exceeds the engineer's estimate, the department head shall determine (a) whether further outreach efforts would result in more than one bid and/or (b) whether removal or modification of certain requirements in the contract would result in more than one bid, provided that such requirements are not required by statute or law and their removal or modification would not compromise the interests of the City and County. If the department head determines that steps (a) and/or (b), above, would likely result in more than one bid at bid prices substantially lower than the bid price received, then the department head shall re-bid the work. If the department head determines that neither step (a) nor (b), above, would likely result in more than one bid at bid prices substantially lower than the bid price received, then the department head, with the approval of the Mayor, the Mayor's designee, or the board or commission concerned, as appropriate, may negotiate with the sole bidder or any qualified contractor, or may order the work to

be executed by the City and County. The cost of negotiated work or the cost of work executed by the City and County shall not exceed any bid price received for the same work.

(3) One Responsive Bid Received; Other Nonresponsive Bids Received. If only one responsive bid is received from a responsible bidder and other, nonresponsive bids and/or bids by nonresponsible bidders are submitted for the same work, the department head may recommend the award of a contract to the sole responsive, responsible bidder at the bid price received, provided that the bid price does not exceed the engineer's estimate for the work. If the responsive bid price received exceeds the engineer's estimate, the department head shall determine (a) whether the qualifications for bidders were too onerous and not necessary for the work and/or (b) whether one or more of the nonresponsive bids could be easily cured and whether the bidders that submitted such bids are still interested in bidding on the work. If the department head determines that the steps(a) and/or (b), above, would likely result in more than one responsive bid by responsible bidders, at bid prices substantially lower than the bid price received, then the department head shall re-bid the work. If the department head determines that neither step (a) nor (b), above, would result in more than one responsive bid by responsible bidders at bid prices substantially lower than the bid price received, then the department head, with the approval of the Mayor, the Mayor's designee, or the board or commission concerned, as appropriate, may negotiate with the sole responsible bidder or any qualified contractor, or may order the work to be executed by the City and County. The cost of negotiated work or the cost of work executed by the City and County shall not exceed any bid price received for the same work.

(4) All contracts awarded under this subsection 6.23(C), including negotiated contracts, shall require that the substitution of subcontractors be in accordance with California Public Contract Code section 4107.

Section 3. The San Francisco Administrative Code is hereby amended by amending Section 6.61, to read as follows:

SEC. 6.61. DESIGN-BUILD

The department heads authorized to execute contracts for public work projects are authorized to seek proposals from qualified private entities ("~~*developers*~~*design-builders*") for design-build construction and/or financing of public work projects under the following conditions:

(A) Before the request for *qualifications* ~~*proposals*~~ is issued, the department head shall determine that a design-build program is necessary or appropriate to achieve anticipated cost savings or time efficiencies, or both, and that such a process is in the public's best interest.

(B) If the proposed public work project is for the use or benefit of a department that is under the jurisdiction of a commission, then such commission shall first approve the solicitation of design-build and/or finance proposals. If the public work project is not for the use or benefit of a department under the jurisdiction of a commission, then the City Administrator must first approve this process.

(C) Pre-Qualification. Department heads shall require that prospective design-builders be pre-qualified to submit proposals on a specific project. The procedure for pre-qualification is as follows:

(1) The department head shall issue a request for qualifications inviting interested parties to submit their qualifications to perform the project. The request for qualifications shall include criteria by which the prospective design-builders will be evaluated during the qualification process. The evaluation criteria shall be based on qualifications and experience relevant to the services needed for the project, including: (i) qualifications to design-build the proposed project; (ii) evidence of financial

capacity; (iii) experience on similar projects; (iv) commitment to comply with the goals and requirements of Administrative Code Chapters 12 and 14; (v) ability to collaboratively and cooperatively deliver projects on time and on budget; (vi) liquidated damages for delay and other damages paid on prior projects, and prior litigation history; (vii) reputation with owners of prior projects; (viii) claims history with insurance carriers and sureties; and (ix) compliance with all of the requirements established in the request for qualifications and other criteria that the department head may deem appropriate. The department head shall set objective scoring criteria and incorporate the criteria into any scoring procedure.

(2) The department head shall designate a panel to review pre-qualification responses and interview and rate respondents with respect to the request for qualifications. Only those respondents found to be qualified will be eligible to submit proposals. The list of pre-qualified respondents shall be valid for not more than two years following the date of initial pre-qualification.

(3) The department head may establish a pre-qualification selection process whereby the panel ranks respondents and recommends a shortlist of no fewer than three (3) pre-qualified respondents. The department head may restrict bidding to short-listed respondents. The shortlist of pre-qualified respondents shall be valid for not more than two years following the date of initial pre-qualification.

D. Request for Proposals. The department head shall issue a request for proposals inviting pre-qualified design-builders to submit proposals for the project. The request for proposals shall include a criteria package describing preliminary design criteria and performance criteria for the project, as well as any other information deemed necessary to describe adequately the City's needs for the project.

E. Final Selection Process. The department head may recommend the award of a contract to the responsible bidder submitting the lowest responsive bid. If the award to that bidder is not made *for any reason, the department head may recommend the award of a contract to the responsible bidder submitting the next lowest responsive bid, and so forth. The department head may, at his or her sole discretion, conduct any negotiations that are necessary to effectuate the award of a contract.*

F. Alternative Final Selection Process. If the project seeks private financing proposals and/or the department head determines that it is in the public's best interest to consider qualifications and/or other subjective criteria (e.g., quality of design proposal) as part of the final selection process, the department head shall issue a request for proposals inviting pre-qualified design-builders to submit design-build proposals, which will be evaluated based upon qualifications and project and/or financing costs.

(*1*~~*C*~~) ~~*Developers submitting design-build proposals shall offer evidence of qualifications in the field of design and construction of similar projects.*~~ The department head may request ~~*developers*~~ *design-builders* to create partial designs, which will be evaluated as part of the *final* selection process. *The department head may offer a reasonable stipend to short-listed design-builders to create partial designs. The receipt of a stipend shall be contingent upon a design-builder's proposal being responsive to the request for proposals.*

(2) The department head may require short-listed design-builders who are creating partial designs to participate in one or more confidential review meetings with City representatives and/or selection panel members during the proposal preparation period. The purpose of the review meetings will be to ensure that each design-builder's partial design is proceeding in a manner that is consistent with the requirements of the City as set forth in the criteria package. Discussions during review meetings shall be limited to objective elements of the criteria package.

(*3*~~*D*~~) ~~*Developers*~~ *Design-builders* submitting private financing proposals shall provide evidence of the commitment of funds necessary to privately finance the proposed projects to completion.

~~*(E) Developers shall comply with all applicable requirements set forth in San Francisco Administrative Code Chapters 12B, 12C and 12D.A. The request for proposals shall require developers to demonstrate good faith efforts to utilize MBE and WBE subcontractors/subconsultants pursuant to San Francisco Administrative Code Chapter 12D.A.*~~

(*4*~~*F*~~) The department head shall *designate a panel to* evaluate ~~*developer's*~~ *design-build* proposals and rank the proposals to determine which provides the overall *best* value to the City and County in regard to the following criteria: (1) plan for expediency in completing the proposed project; (2) lifecycle cost to the City and County; (3) qualifications ~~*of the developers to design-build and, if applicable,*~~ *to* finance the proposed project; ~~*(4) qualifications of the developers to construct the proposed project;*~~ (*4*~~*5*~~) quality of design proposal; (*5*~~*6*~~) compliance with the goals *set by the Human Rights Commission* and requirements of the Administrative Code Chapters ~~*12B, 12C and 12D.A*~~ *12 and 14*; (*6*~~*7*~~) commitment to meet the City hiring goals (e.g., *CityBuild or First Source Hiring*~~*welfare-to-work*~~); (*7*~~*8*~~) if private financing is sought, commitment of funds, cost of funds and terms to the City; and (*8*~~*9*~~) compliance with all the requirements and criteria established by the Department head in the request for proposals. The cost criterion shall constitute not less than sixty*-five* percent *(65%)* of the overall evaluation.

~~*(G) The competitive bid requirements of this Chapter shall not apply to the selection of developers under this Section 6.61.*~~

(*G*~~*H*~~) Subject to paragraph (*K*~~*I*~~) below, the department head ~~*is authorized to negotiate all proposed contracts necessary or appropriate for the proposed project with the highest ranked developer. If the department head determines that contract negotiations with the highest-ranked developer are not proceeding satisfactorily, the department head may terminate such negotiations and enter into negotiations with the next highest-ranked developer. If the department head deems a contract to have successfully been negotiated with a developer, the department head may then*~~

~~*recommend such proposed contract for award in accordance with Article I of this Chapter.*~~ *may recommend the award of a contract to the highest-ranked design-builder. If the award to the highest-ranked design-builder is not made for any reason, the department head may recommend the award of a contract to the next highest-ranked design-builder, and so forth. The department head may, at his or her sole discretion, conduct any negotiations that are necessary to effectuate the award of a contract.* ~~*The City shall retain the absolute discretion to determine not to proceed with any proposed project, which right may be exercised without liability to developers for costs incurred during the entire proposal and negotiation process, and such rights shall be reserved in all requests for proposals.*~~

(H) The City shall retain the absolute discretion to determine, at any time during the process, not to proceed with any proposed project, which right may be exercised without liability to design-builders for costs incurred during the entire pre-qualification, proposal and negotiation process, and such rights shall be reserved in all requests for qualifications and proposals.

(I) The competitive bid requirements of this Chapter shall not apply to the selection of design-builders under this Section 6.61.

(J) Design-builders shall comply with all applicable requirements set forth in San Francisco Administrative Code Chapters 12 and 14.

(*K*~~*I*~~) All final contracts for a public work project that involve a design-build and/or finance program shall be subject to the award provisions of Article I of this Chapter. If the proposed contract involves a financing program, the Capital Improvement Advisory Committee must review and report on the proposed project before the board, commission, Mayor or his/her designee takes any action with respect to award of the contract.

(L) Procurement of Trade Subcontractors. Department heads may require the selected design-builder to procure trade work contracts through a pre-qualification and competitive bid process, as follows:

(1) Pre-qualification. The department head shall require the design-builder to pre-qualify all trade subcontractors, subject to the approval of the department head. The design-builder shall attempt to establish a pool of no fewer than three pre-qualified subcontractors for each trade package, subject to the approval of the department head.

(2) Competitive Bid. The department head shall require the design-builder to receive sealed bids from the pre-qualified trade subcontractors. The bid security provisions of Section 6.21 will not apply. The design-builder shall award a trade package subcontract to the responsible bidder submitting the lowest responsive bid, except that the design-builder may negotiate and award a portion of the trade package subcontracts as provided in paragraph (3), below. Only those Administrative Code provisions that normally apply to subcontracts will apply to the trade package subcontracts.

(3) The department head may authorize the design-builder to negotiate subcontracts for trade work as appropriate for the project, up to an amount not exceeding seven and one-half percent of the total estimated subcontract costs. The department head shall establish a maximum dollar value for each negotiated trade subcontract as appropriate for the project.

(*M*~~*J*~~) All actions heretofore taken by a department head consistent with the provisions of this section are hereby approved.

(N) All design-build projects that are substantially underway as of the effective date of this subsection 6.61(N) that do not comply with the mandatory pre-qualification requirements of subsection 6.61(C) are hereby approved, provided that the applicable department heads shall only consider proposals from qualified design-builders.

Section 4. The San Francisco Administrative Code is hereby amended by adding Section 6.68, to read as follows:

SEC. 6.68. INTEGRATED PROJECT DELIVERY

Integrated project delivery is an approach to the procurement of construction services whereby a construction manager/general contractor ("CM/GC") is retained during the design process to review and provide comments as to the constructability of the Architect/Engineer's design within the established budget. The department heads authorized to execute contracts for public work projects are authorized to seek proposals from qualified CM/GCs for construction of public work projects using an integrated project delivery under the following conditions:

(A) Before the request for qualifications is issued, the department head shall determine that an integrated project delivery is necessary or appropriate to achieve anticipated cost savings or time efficiencies, or both, and that such a process is in the public's best interest.

(B) If the proposed public work project is for the use or benefit of a department that is under the jurisdiction of a commission, then such commission shall first approve the solicitation of integrated project delivery proposals. If the public work is for the use or benefit of a department not under the jurisdiction of a commission, then the City Administrator must first approve this process.

(C) Pre-qualification. Department heads shall require that prospective proposers be pre-qualified to submit proposals on a specific project. The procedure for pre-qualification is as follows:

(1) The department head shall issue a request for qualifications inviting interested parties to submit their qualifications to perform the project. The request for qualifications shall include criteria by which the prospective proposers shall be evaluated. The evaluation criteria shall be based on qualifications and experience relevant to the services needed for the project, including: (i) ability to perform required pre-construction and construction phase services; (ii) evidence of financial capacity; (iii) experience on similar projects; (iv) commitment to comply with the goals and requirements of Administrative Code Chapters 12 and 14; (v) ability to collaboratively and cooperatively deliver projects on time and on budget; (vi) liquidated damages for delay and other damages paid on prior

projects, and prior litigation history; (vii) reputation with owners of prior projects; (viii) claims history with insurance carriers and sureties; and (ix) compliance with all of the requirements established in the request for qualifications and other criteria that the department head may deem appropriate. The department head shall set objective scoring criteria and incorporate the criteria into any scoring procedure.

(2) The department head shall designate a panel to review pre-qualification responses and interview and rate respondents with respect to the request for qualifications. Only those respondents found to be qualified will be eligible to submit proposals. The list of pre-qualified respondents shall be valid for not more than two years following the date of initial pre-qualification.

(D) Request for Proposals. The department head shall issue a request for proposals inviting pre-qualified CM/GCs to submit competitive cost proposals for the project. The request for proposals shall include information describing the scope of pre-construction and construction phase services for the project. The request for proposals shall request the following minimum cost information from each proposer: (i) fees for pre-construction services and (ii) fees for construction phase services, including overhead, profit and general conditions.

(E) Final Selection Process. The department head may recommend the award of a contract to the responsible bidder submitting the lowest responsive bid. If the award to that bidder is not made for any reason, the department head may recommend the award of a contract to the responsible bidder submitting the next lowest responsive bid, and so forth. The department head may, at his or her sole discretion, conduct any negotiations that are necessary to effectuate the award of a contract.

(F) The City shall retain the absolute discretion to determine, at any time during the process, not to proceed with any proposed project, which right may be exercised without liability to CM/GCs for costs incurred during the entire pre-qualification, proposal and negotiation process, and such rights shall be reserved in all requests for qualifications and proposals.

(G) The bid security and subcontractor listing requirements of section 6.21 will not apply to the selection of CM/GCs under this section 6.68. Any resulting contract with a CM/GC shall comply with section 6.22.

(H) Procurement of Trade Subcontractors. Department heads shall require the selected CM/GC to procure trade work contracts through a pre-qualification and competitive bid process, as follows:

(1) Pre-qualification. The department head shall require the CM/GC to pre-qualify all trade subcontractors, subject to the approval of the department head. The CM/GC shall attempt to establish a pool of no fewer than three pre-qualified subcontractors for each trade package, subject to the approval of the department head.

(2) Competitive Bid. The department head shall require the CM/GC to receive sealed bids from the pre-qualified trade subcontractors. The bid security provisions of section 6.21 will not apply. The CM/GC shall award a trade package subcontract to the responsible bidder submitting the lowest responsive bid, except that the CM/GC may negotiate and award a portion of the trade package subcontracts as provided in paragraph (3), below. Only those Administrative Code provisions that normally apply to subcontracts will apply to the trade package subcontracts.

(3) The department head may authorize the CM/GC to negotiate subcontracts for trade work as appropriate for the project, up to an amount not exceeding seven and one-half percent of the total estimated subcontract costs. The department head shall establish a maximum dollar value for each negotiated trade subcontract as appropriate for the project.

(l) All actions heretofore taken by a department head consistent with the provisions of this section are hereby approved.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
John G. White
Deputy City Attorney

Tails

Ordinance

File Number: 080277 **Date Passed:**

Ordinance amending San Francisco Administrative Code Chapter 6 to correct typographical errors in Subsections 6.22(B) and 6.22(H)(2)(d), to clarify and revise Subsection 6.22(J) concerning retention of progressive payments, to clarify and revise Subsection 6.23(C) concerning the rejection or failure of bids, to revise Section 6.61 concerning design-build contracting procedures, and to add a new Section 6.28 authorizing the use of integrated project delivery.

June 24, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 8, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 080277

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 8, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·11·08
Date Approved

Mayor Gavin Newsom

FILE NO. 080697

ORDINANCE NO.
120-08

[Unrepresented Employees]

Ordinance Fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2008.

Note: *Additions are single-underline italics Times New Roman;*
~~*deletions are strikethrough italics Times New Roman*~~
Board amendment additions are double underlined.
~~Board amendment deletions are strikethrough normal.~~

Be it ordained by the People of the City and County of San Francisco:

Pursuant to Charter Section A8.409-1, the Mayor hereby proposes and the Board of Supervisors approves the wages, hours and other terms and conditions of employment set forth herein to be applicable to all unrepresented jobcodes or positions of City employment.

Unless specifically noted, the following provisions are applicable to all employees covered by this Ordinance, which includes Miscellaneous Unrepresented employees and Management Unrepresented employees. For informational purposes, see Attachment A for a list of jobcodes designated as Miscellaneous Unrepresented and Management Unrepresented.

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SECTION 1. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

A. All terms and conditions of employment not covered under this Ordinance shall continue to be subject to the City's direction and control. Unless specifically addressed herein, those terms and conditions of employment which are set forth in the Charter, Administrative Code, Civil Service Rules, policies and procedures, shall apply to employees covered by this ordinance.

B. Nothing in this Ordinance shall have application to changes of Civil Service rules and matters subject to the exclusive jurisdiction of the Civil Service Commission pursuant to Charter Section A8.409-3, unless specifically approved by the Civil Service Commission, except as such changes may affect compensation.

SECTION 2. WAGE RATES

In recognition of the severe budget crisis facing the City, there will be no general base wage increases for classifications covered herein.

The 1283 – Director, Employee Relations Division Classification's Pay Plan shall be the same as the 0954 – Deputy Director IV Classification as of July 1, 2008.

The 1282 – Manager, Employee Relations Division Classification's Pay Plan shall be the same as the 0932 – Manager IV Classification as of July 1, 2008.

The 1281 – Senior Employee Relations Representative Classification's Pay Plan shall be the same as the 1824 – Principal Administrative Analyst Classification as of July 1, 2008. There shall also be three additional five percent (5%) steps (Steps 6, 7 & 8) at the top of the range at which an employee may be placed upon the approval of the Employee Relations Director. Such placement is contingent upon the Employee Relations Director designation of the employee as the City's principal lead representative for a major employee group.

The 1280 – Employee Relations Representative Classification's Pay Plan shall be the same as the 1244 – Senior Personnel Analyst Classification as of July 1, 2008. There shall also be three additional five percent (5%) steps (Steps 1, 2 & 3) at the bottom of the range. Employees may be placed in Step 6, 7 or 8 by the approval of the Employee Relations Director. Such placement is contingent upon the Employee Relations Director's designation of the employee as having lead responsibilities in employee-employer relations matters.

The 1293 – Human Resources Director Classification's Pay Plan shall be the same as the 0964 – Department Head IV Classification as of July 1, 2008.

The following Mayoral Staff Classifications' Pay Plan shall be the same as the following Classifications as of July 1, 2008:

0901	*Mayoral Staff XIII*	*0922 Manager I*
0902	*Mayoral Staff XIV*	*0923 Manager II*
0903	*Mayoral Staff XV*	*0931 Manager III*
0904	*Mayoral Staff XVI*	*0932 Manager IV*
0905	*Mayoral Staff XVII*	*0933 Manager V*

SECTION 3. INTERNAL ADJUSTMENT PROCESS

Upon request of an Appointing Officer, the Director of the Human Resources Department may approve internal salary adjustments, subject to approval of the Board of Supervisors, during the term of the Ordinance based upon the following:

1. Standards

The following shall be the standards for internal adjustments for the wage rates for a particular jobcode:

- *a) The salary for the jobcode is below the prevailing wage level in the relevant labor market as demonstrated by verifiable salary data; and/or*
- *b) There is an ongoing and demonstrable recruitment and/or retention problem; and/or*
- *c) Traditional salary relationships, which continue to be justified, have been substantially altered; and/or*
- *d) The duties, responsibilities and/or minimum requirements for a jobcode have been altered significantly.*

2. Internal Adjustment Cap

Internal adjustment costs shall not exceed an annualized cost of .3% of the total payroll cost for the employees covered by this Ordinance.

SECTION 4. ACTING ASSIGNMENT PAY

The Appointing Officer/designee assigns duties to employees covered by this Ordinance. Employees assigned by the Appointing Officer/designee to perform the full range of essential functions of a position in a higher jobcode shall receive compensation at a higher salary if all of the following conditions are met:

- *(1) The assignment shall be in writing with copies to the Department of Human Resources and Controller.*
- *(2) The assignment shall conform to all Civil Service Commission Rules, policies and procedures.*
- *(3) The position to which the employee is assigned must be a budgeted position.*
- *(4) The employee is assigned to perform the duties of a higher jobcode for longer than*

eleven (11) consecutive working days; after which acting assignment pay shall be retroactive to the first day of the assignment.

a. *If each of the above criteria are met, and upon written approval by the Department Head, an employee shall be paid one full salary step adjustment (approximately 5%) but which does not exceed the maximum step of the salary grade of the jobcode to which temporarily assigned. Premiums based on percent of salary shall be paid at a rate which includes acting assignment pay.*

b. *Requests for classification or reclassification review shall not be governed by this provision.*

SECTION 5. SUPERVISORY DIFFERENTIAL ADJUSTMENT

The Appointing Officer may adjust the compensation of a supervisory employee whose compensation grade is set herein subject to the following conditions:

(1) *The supervisor, as part of the regular responsibilities of his/her jobcode, supervises, directs, is accountable for and is in responsible charge of the work of a subordinate or subordinates.*

(2) *The supervisor must actually supervise the technical content of subordinate work and possess education and/or experience appropriate to the technical assignment.*

(3) *The organization is a permanent one approved by the Appointing Officer, Board or Commission, where applicable, and is a matter of record based upon review and investigation by the Department of Human Resources.*

(4) *The jobcodes of both the supervisor and the subordinate are appropriate to the organization and have a normal, logical relationship to each other in terms of their respective duties and levels of responsibility and accountability in the organization.*

(5) *The compensation grade of the supervisor is less than one full step (approximately 5%) over the compensation grade, exclusive of extra pay, of the employee supervised. In*

determining the compensation grade of a jobcode being paid a flat rate, the flat rate will be converted to a bi-weekly rate and the compensation grade the top step of which is closest to the flat rate so converted shall be deemed to be the compensation grade of the flat rate jobcode.

(6) The adjustment of the compensation grade of the supervisor shall not exceed 5% over the compensation, exclusive of extra pay, of the employee supervised. If the application of this section adjusts the compensation grade of an employee in excess of his/her immediate supervisor, whose jobcode is also covered by this Ordinance the pay of such immediate supervisor shall be adjusted to an amount $1.00 bi-weekly in excess of the base rate of his/her highest paid subordinate, provided that the other applicable conditions of this section are also met.

(7) In no event will the Appointing Officer approve a supervisory salary adjustment in excess of two (2) full steps (approximately 10%) over the supervisor's current basic compensation. If in the following fiscal year a salary inequity continues to exist, the Appointing Officer may again review the circumstances and may grant an additional salary adjustment not to exceed two (2) full steps (approximately 10%).

(8) The compensation adjustment is retroactive to the date the employee became eligible, but not earlier than the beginning of the current fiscal year.

(9) The Human Resources Department shall review any changes in the conditions or circumstances that were and are relevant to the request for salary adjustment under this section.

SECTION 6. SEVERANCE PAY (FOR MANAGEMENT UNREPRESENTED EMPLOYEES):

(1) When an exempt employee covered by this Ordinance is involuntarily removed or released from employment, the Appointing Officer will endeavor to inform the employee at least thirty (30) calendar days before his/her final day of work. Where the Appointing

Officer fails or declines to inform the employee a full thirty (30) days in advance, the exempt employee shall receive pay in lieu of the number of days less than thirty (30) upon which s/he was informed.

(2) _In addition to paragraph (1), when an exempt employee covered by this Ordinance is involuntarily removed or released from employment with ten (10) or more years of continuous City Service, the employee shall also receive one month's severance pay in exchange for a release signed by the employee of any and all claims arising under this Ordinance that the employee may have against the City including any officer or employee thereof. This release shall also include a waiver of any rights the employee may have to return to City employment e.g., holdover roster. This release does not affect claims or rights an employee may have independent of this Ordinance such as those rights arising under state or federal law._

(3) _In the event an exempt employee covered by this Ordinance is involuntarily returned to a permanent job code, that employee may elect to separate from City Service and shall receive one month's severance pay in exchange for a release signed by the employee of any and all claims arising under this Ordinance that the employee may have against the City including any officer or employee thereof. This release shall also include a waiver of any rights the employee may have to return to City employment e.g., holdover roster. This release does not affect claims or rights an employee may have independent of this Agreement such as those rights arising under state or federal law._

SECTION 7. BILINGUAL PAY

A "designated bilingual position" is a position designated by the department subject to approval by the Human Resources Department, which requires translation services consisting of translating to and from a foreign language including, sign language for the hearing impaired and Braille for the visually impaired.

An employee in a designated bilingual position who routinely and consistently provides more than forty (40) hours per pay period of translation services will receive a bilingual premium of sixty dollars ($60.00) per pay period.

An employee in a designated bilingual position who routinely and consistently provides more than ten (10) but less than forty (40) hours per pay period of translation services will receive a bilingual premium of forty dollars ($40.00) per pay period.

SECTION 8. PREMIUM PAY

All premiums and additional forms of compensation described in this ordinance shall be paid only for actual hours worked.

There shall be no pyramiding of premiums for purposes of compensation calculations. Each premium shall be calculated on the base wage rate exclusive of any and all premiums, benefits and other forms of additional compensation.

SECTION 9. APPOINTMENT AND ADVANCEMENT THROUGH SALARY STEPS

Appointing Officers may appoint employees to any step, at any time, in the salary grade which does not exceed the maximum of the salary grade. If there are no steps within the salary grade, the Appointing Officer may appoint employees to any place within the grade at any time, providing that the placement does not exceed the salary grade maximum.

Employees who enter below the salary grade maximum may advance one step following completion of the one year required service. Further increments may accrue following completion of the required service at this step and at each successive step.

An employee's scheduled step increase may be denied if the employee's performance has been unsatisfactory to the City. The denial of a step increase is subject to the grievance procedure; provided, however, that nothing in this section is intended to or shall make performance evaluations subject to the grievance procedure.

SECTION 10. METHODS OF CALCULATION

(1) *Bi-Weekly. An employee whose compensation is fixed on a bi-weekly basis shall be paid the bi-weekly salary for his/her position for work performed during the bi-weekly payroll period. There shall be no compensation for time not worked unless such time off is authorized time off with pay.*

(2) *Per Diem or Hourly. An employee whose compensation is fixed on a per diem or hourly basis shall be paid the daily or hourly rate for work performed during the bi-weekly payroll period on a bi-weekly pay grade. There shall be no compensation for time not worked unless such time off is authorized time off with pay.*

SECTION 11. WORK SCHEDULES

(1) *REGULAR WORK SCHEDULES*

a. *Regular Work Day. Unless otherwise provided, a regular workday is a tour of duty of eight (8) hours of work completed within not more than twenty-four (24) hours.*

b. *Regular Work Week. The Appointing Officer shall determine the work schedule for employees in his/her department. A regular workweek is a tour of duty of five (5) worked days within a seven day period. However, employees who are moving from one shift or one work schedule to another may be required to work in excess of five working days in conjunction with changes in their work shifts or schedules.*

Employees shall receive no compensation when properly notified (2-hour notice) that work applicable to the jobcode is not available because of inclement weather conditions, shortage of supplies, traffic conditions, or other unusual circumstances. Employees who are not properly notified and report to work and are informed no work applicable to the jobcode is available shall be paid for a minimum of two (2) hours. Employees who have been designated by their department as emergency personnel must report to work as scheduled unless otherwise notified by the Appointing Officer or designee. Employees who begin their shifts and are subsequently relieved of duty due to the above reasons shall be paid a minimum of two (2) *hours, and for hours actually worked beyond two (2) hours, computed to the nearest one-quarter hour.*

(2) NIGHT DUTY

Employees, exclusive of employees in jobcodes which are exempt from the Fair Labor Standards Act, who, as part of their regularly scheduled work shift, are required to work any hours between (five) 5:00 p.m. and (seven) 7:00 a.m. shall receive a premium of 6¼% per hour in addition to their straight time hourly base rate of pay for any and all hours worked between (five) 5:00 p.m. and (seven) 7:00 a.m. Excluded from this provision are those employees who participate in an authorized flex-time program where the work shift includes hours to be worked between the hours of (five) 5:00 p.m. and (seven) 7:00 a.m. Day shift employees assigned to work during the night duty premium hours are not eligible for night duty premium. Payment of this premium shall be made for actual hours worked.

(3) ALTERNATE WORK SCHEDULES

The Appointing Officer may enter into cost equivalent alternate work schedules for some or all employees. Such alternate work schedules may include, but are not limited to, core hours flex-time; full-time work weeks of less than five (5) days; or a combination of features mutually agreeable to the parties. Such changes in the work schedule shall not alter the basis for, nor entitlement to, receiving the same rights and privileges as those provided to employees on five (5) day, forty (40) hour a week schedules.

(4) VOLUNTARY REDUCED WORK WEEK

Employees subject to the approval by the Appointing Officer may voluntarily elect to work a reduced work week for a specified period of time. Such reduced work week shall not be less than twenty (20) hours per week. Pay, vacation, holidays and sick pay shall be reduced in accordance with such reduced work week.

SECTION 12. STANDBY PAY AND PAGER PAY

Employees who, as part of the duties of their positions are required by the Appointing Officer to standby when normally off duty to be instantly available to be called in for immediate emergency service for the performance of their regular duties, shall be paid ten (10) percent of their regular straight time rate of pay for the period of such standby service when outfitted by the department with an electronic paging device and/or cell phone. When such employees are called to perform their regular duties in emergencies during the period of such standby service, they shall be paid while engaged in such emergency service the usual rate of pay for such service.

The provisions authorizing standby pay do not apply to jobcodes designated by a "Z" symbol.

SECTION 13. CALL BACK

Employees (except those at remote locations where City supplied housing has been offered, or who are otherwise being compensated) who are called back to their work locations following the completion of his/her work day and departure from his/her place of employment, shall be granted a minimum of four (4) hours pay at the applicable rate or shall be paid for all hours actually worked at the applicable rate, whichever is greater. This section shall not apply to employees who are called back to duty when on stand-by status.

Notwithstanding the general provisions of this section, call back pay shall not be allowed in jobcodes designated by a "Z" symbol.

SECTION 14. OVERTIME COMPENSATION

(1) Subject to sub-paragraphs 2-4 below, the Appointing Officer may require employees to work longer than the regular work day or the regular work week. Any time worked by an employee with proper authorization, exclusive of part-time employees, in excess of forty (40) hours actually worked during a regular work week shall be designated as overtime and shall be compensated at one-and-one-half times the base hourly rate. For the purposes of calculating overtime compensation, an employee's base hourly rate may include certain premiums for those hours actually worked at the premium rate.

(2) *Employees working in jobcodes that are designated as having a regular work week of less than forty (40) hours shall not be entitled to overtime compensation for work performed in excess of said specified regular hours until they exceed forty (40) hours per week. Overtime shall be calculated and paid on the basis of the total number of straight time hours actually worked in a week. Overtime compensation so earned shall be computed subject to all the provisions and conditions set forth herein.*

(3) *Employees in non "Z" designated jobcodes who are required to work overtime shall be paid at a rate of one and one-half times their regular base rate. An employee may elect to accrue Compensatory Time Off (CTO) in lieu of overtime, provided that the Appointing Officer approves of such election. In no instance may an employee accrue more than two hundred forty (240) hours of CTO.*

(4) *Employees in jobcodes designated by a "Z" symbol shall not be paid for overtime worked but may earn CTO at the rate of one hour for each hour worked in excess of 40 hour/week. The maximum amount of CTO that may be accrued is two hundred forty (240) hours. In lieu of accruing CTO during the fiscal year, unrepresented department heads, the 1283 Director of Employee Relations, and employees in AB44 Confidential Chief Attorney II shall have the same executive leave benefit applicable to employees in jobcodes assigned to the EM Unit. In lieu of accruing CTO during the fiscal year, employees in the 1282 Manager Employee Relations classification shall have the same administrative leave benefit applicable to employees in jobcodes assigned to the M Unit.*

SECTION 15. FAIR LABOR STANDARDS ACT

To the extent that this Ordinance fails to afford employees the overtime or compensatory time off benefits to which they are entitled under the Fair Labor Standards Act, this Ordinance authorizes and directs all City Departments to ensure that their employees receive, at a minimum, such Fair Labor Standards Act Benefits.

SECTION 16. HOLIDAYS

Except when normal operations require, or in an emergency, employees shall not be required to work on the following days hereby declared to be holidays for such employees:

January l (New Year's Day)
the third Monday in January (Martin Luther King, Jr.'s Birthday)
the third Monday in February (President's Day)
the last Monday in May (Memorial Day)
July 4 (Independence Day)
the first Monday in September (Labor Day)
the second Monday in October (Columbus Day)
November 11 (Veteran's Day)
Thanksgiving Day
the day after Thanksgiving
December 25 (Christmas Day)

Provided further, if January l, July 4, November 11 or December 25 falls on a Sunday, the Monday following is a holiday.

In addition, included shall be any day declared to be a holiday by proclamation of the Mayor after such day has heretofore been declared a holiday by the Governor of the State of California or the President of the United States.

The City shall accommodate religious belief or observance of employees as required by law.

Employees are entitled to four (4) floating holidays totaling thirty-two (32) hours (pro-rated for eligible part-time employees), in each fiscal year to be taken on days selected by the employee subject to prior scheduling approval of the Appointing Officer. Employees (both full-time and part-time) must complete six (6) months continuous service to establish initial eligibility for the floating holidays. Employees hired on an as-needed, intermittent or seasonal basis shall not receive the *additional floating holidays. Floating holidays may be taken in hourly increments up to and including the number of hours contained in the employee's regular shift. Floating holidays may be carried forward from one fiscal year to the next. The number of floating holidays carried forward to a succeeding fiscal year may not exceed the total number of floating holidays received in the previous fiscal year. No compensation of any kind shall be earned or granted for floating holidays not taken. Employees who have established initial eligibility for floating holidays and subsequently separate from City employment, may at the sole discretion of the appointing authority, be granted those floating holiday(s) to which the separating employee was eligible and had not yet taken off. In addition, in lieu of base wage increases, employees, except those in Mayoral Staff classifications (0881-0905), shall receive an additional four (4) floating holidays per fiscal year.*

For those employees assigned to a work week of Monday through Friday, and in the event a legal holiday falls on Saturday, the preceding Friday shall be observed as a holiday; provided, however, that except where the Governor declares that such preceding Friday shall be a legal holiday, each department head shall make provision for the staffing of public offices under his/her jurisdiction on such preceding Friday so that said public offices may serve the public as provided in the Administrative Code (Section 16.4). Those employees who work on a Friday which is observed as a holiday in lieu of a holiday falling on Saturday shall be allowed a day off in lieu thereof as scheduled by the Appointing Officer in the current fiscal year. The City shall provide one week's advance notice to employees scheduled to work on the observed holiday, except in cases of unforeseen operational needs.

SECTION 17. HOLIDAY COMPENSATION FOR TIME WORKED

Employees required by their respective Appointing Officer to work on any of the above-specified or to substitute holidays excepting Fridays observed as holidays in lieu of holidays falling on Saturday, shall be paid extra compensation of one (1) additional day's pay at time and one-half (1-1/2) the usual rate in the amount of twelve (12) hours pay for eight (8) hours worked or a *proportionate amount if less than eight (8) hours worked; provided, however, that at an employee's request and with the approval of the Appointing Officer, an employee may be granted compensatory time off in lieu of paid overtime.*

Employees occupying positions which are exempt from the FLSA (Executive, Administrative and Professional) shall not receive extra compensation for holiday work but may be granted time off at the discretion of the Appointing Officer.

SECTION 18. HOLIDAYS FOR EMPLOYEES ON WORK SCHEDULES OTHER THAN MONDAY THROUGH FRIDAY

(1) *Employees assigned to seven (7) day-operation departments or employees working a five (5) day work week other than Monday through Friday shall be allowed another day off if a holiday falls on one of their regularly scheduled days off.*

(2) *Employees whose holidays are changed because of shift rotations shall be allowed another day off if a legal holiday falls on one of their days off.*

(3) *Employees required to work on a holiday which falls on a Saturday or Sunday shall receive holiday compensation for work on that day. Holiday compensation shall not then be additionally paid for work on the Friday preceding a Saturday holiday, nor on the Monday following a Sunday holiday.*

(4) *Sections (2) and (3) above shall apply to part-time employees on a pro-rata basis. If the provisions of this section deprive an employee of the same number of holidays that an employee receives who works Monday through Friday, s/he shall be granted additional days off to equal such number of holidays. The designation of such days off shall be by mutual agreement of the employee and the appropriate employer representative. Such days off must be taken within the fiscal year. In no event shall the provisions of this section result in such employee receiving more or less holidays than an employee on a Monday through Friday work schedule.*

SECTION 19. HOLIDAY PAY FOR EMPLOYEES LAID OFF

An employee who is laid off at the close of business the day before a holiday who has worked not less than five (5) previous consecutive workdays shall be paid for the holiday at their normal rate of compensation.

SECTION 20. EMPLOYEES NOT ELIGIBLE FOR HOLIDAY COMPENSATION

Persons employed for holiday work only, or persons employed on a part-time work schedule which is less than twenty (20) hours in a bi-weekly pay period, or persons employed on an intermittent part-time work schedule (not regularly scheduled), or persons employed on as-needed, seasonal or project basis for less than six (6) months continuous service, or persons on leave without pay status both immediately preceding and immediately following the legal holiday shall not receive holiday pay.

SECTION 21. PART-TIME EMPLOYEES ELIGIBLE FOR HOLIDAYS

Part-time employees who regularly work a minimum of twenty (20) hours in a bi-weekly pay period shall be entitled to holiday pay on a proportionate basis.

Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in a bi-weekly pay period, therefore, part-time employees, as defined in the immediately preceding paragraph, shall receive a holiday based upon the ratio of 1/10 of the total hours regularly worked in a bi-weekly pay period. Holiday time off shall be determined by calculating 1/10 of the hours worked by the part-time employee in the bi-weekly pay period immediately preceding the pay period in which the holiday falls. The computation of holiday time off shall be rounded to the nearest hour.

The proportionate amount of holiday time off shall be taken in the same fiscal year in which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the employee and the appropriate employer representative.

SECTION 22. IN-LIEU HOLIDAYS

(1) Requests for in-lieu holidays shall be made to the appropriate management

representative within thirty (30) days after the holiday is earned and must be taken within the fiscal year.

(2) *In-lieu holidays will be assigned by the Appointing Officer or designee if not scheduled in accordance with the procedures described herein.*

(3) *An in-lieu holiday can be carried over into the next fiscal year only with the written approval of the Appointing Officer.*

SECTION 23. PROBATIONARY PERIODS

Probationary periods shall be defined and administered by the Civil Service Commission. All permanent appointees shall serve a minimum of a one (1) year probationary period.

A probationary period may be extended by mutual written agreement between the employee and the Appointing Officer.

SECTION 24. HEALTH AND WELFARE AND DENTAL COVERAGE

1. EMPLOYEE HEALTH CARE COVERAGE

The City's contribution to employee health care coverage will be set in accordance with the requirements of Charter Sections A8.423 and A8.428.

2. DEPENDENT HEALTH CARE COVERAGE

(A) *The City's contribution for dependent health care coverage for Miscellaneous Unrepresented employees shall be $225.00 per covered employee per month. In the event that the cost of dependent care increases, the City will adjust its pick-up level up to 75% of the cost of Kaiser's dependent health care medical costs charged to the employee for the employee plus two or more dependents category.*

For "medically single" employees, i.e., benefited employees not receiving the contribution paid by the City for dependent health care benefits, the City shall contribute all of the premium for the employee's own health care benefit coverage.

(B) *The City's contribution for Management Unrepresented employees to the Flexible*

Benefits Plan shall be the greater amount of $225.00 per covered employee per month or 75% per covered employee per month of the dependent rate charged to employees for Kaiser coverage at the dependent plus two or more level. The specific benefits offered are subject to change.

3. DENTAL HEALTH CARE COVERAGE

The City will provide dental contributions at the present level during the term of this ordinance.

SECTION 25. RETIREMENT CONTRIBUTION

Except for classifications 1280-1283, inclusive, and classification 1293, for the duration of this Ordinance, the City shall pick-up the full amount of the employees' portion of their retirement contribution at the current rate.

The parties acknowledge that the San Francisco Charter establishes the levels, terms and conditions of retirement benefits for members of the San Francisco Employees Retirement System (SFERS). The fact that the Ordinance does not specify that a certain item of compensation is excluded from retirement benefits should not be construed to mean that the item is included by the Retirement Board when calculating retirement benefits.

Any City pick-up of an employee's retirement contribution shall not be considered as a part of an employee's compensation for the purpose of computing straight time earnings, compensation for overtime worked, premium pay, or retirement benefits; nor shall such contributions be taken into account in determining the level of any other benefit which is a function of or percentage of salary.

SECTION 26. PRE-RETIREMENT PLANNING SEMINAR

Subject to development, availability and scheduling by SFERS and PERS, employees shall be allowed not more than one (1) day to attend a pre-retirement planning seminar sponsored by SFERS or PERS.

Employees must provide at least two (2) weeks advance notice of their desire to attend a retirement planning seminar to the appropriate supervisor. An employee shall be released from work *to attend the seminar unless staffing requirements or other Department exigencies require the employee's attendance at work on the day or days such seminar is scheduled. Release time shall not be unreasonably withheld.*

All such seminars must be located within the Bay Area.

This section shall not be subject to the grievance procedure.

SECTION 27. WORKER'S COMPENSATION AND RETURN TO WORK

The City will make a good faith effort to return employees who have sustained an occupational injury or illness to temporary modified duty within the employee's medical restriction. Duties of the modified assignment may differ from the employee's regular job duties and/or from job duties regularly assigned to employees in the injured employee's jobcode. Where appropriate modified duty is not available within the employee's jobcode, on the employee's regular shift, and in the employee's department, the employee may be temporarily assigned pursuant to this section to work in another jobcode, on a different shift, and/or in another department, subject to the approval of the Appointing Officer or designee. The decision to provide modified duty and/or the impact of such decisions shall not be subject to grievance or arbitration. Modified duty assignments may not exceed three (3) months. An employee assigned to a modified duty assignment shall receive their regular base rate of pay and shall not be eligible for any other additional compensation (premiums) and or out of jobcode assignment pay as may be provided under this Ordinance.

An employee who is absent because of an occupational disability and who is receiving Temporary Disability, Vocational Rehabilitation Maintenance Allowance, State Disability Insurance, may request that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's accumulated unused sick leave with pay credit balance at the time of disability, compensatory time off, or vacation, so as to equal the normal salary the employee would have earned for the regular work schedule. Use of compensatory time requires the employee's Appointing Officer's approval.

An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request to the Appointing Officer or designee within seven (7) calendar days following the first date of absence. Disability indemnity payments will be automatically supplemented with sick pay credits (if the employee has sick pay credits and is eligible to use them) to provide up to the employee's normal salary unless the employee makes an alternative election as provided in this section.

Employee supplementation of workers compensation payment to equal the full salary the employee would have earned for the regular work schedule in effect at the commencement of the workers compensation leave shall be drawn only from an employee's paid leave credits including vacation, sick leave balance, or other paid leave as available. An employee returning from disability leave will accrue sick leave at the regular rate and not an accelerated rate.

Salary may be paid on regular time-rolls and charged against the employee's sick leave with pay, vacation, or compensatory time credit balance during any period prior to the determination of eligibility for disability indemnity payment without requiring a signed option by the employee. Sick leave with pay, vacation, or compensatory time credits shall be used to supplement disability indemnity pay at the minimum rate of one (1) hour units.

This section clarifies and supersedes any conflicting provisions of the Civil Service Commission Rules which are within the Charter authority of the Board of Supervisors.

SECTION 28. STATE DISABILITY INSURANCE (SDI) COVERAGE

Upon a statement by a majority of employees in a jobcode, or by the sole incumbent in a single "A" position or by the majority of employees in a multi "A" position, requesting that they be enrolled in the State Disability Program, the City shall take all necessary action to enroll affected employees therein.

SECTION 29. COMPLIANCE WITH DISABILITY AND ANTI-DISCRIMINATION STATUTES

This Ordinance shall be interpreted, administered and applied in a manner that complies with *the provisions of federal, state and local disability and anti-discrimination statutes. The City shall have the right to take whatever action it deems appropriate to ensure compliance with such laws.*

SECTION 30. TUITION REIMBURSEMENT

The City will allocate $15,000 for the Tuition Reimbursement Program for employees covered by this Ordinance. Employees covered under this Unrepresented Ordinance may be reimbursed up to a maximum of $2,000 for tuition, registration fees, books and other materials for internal or external training programs which will enhance an employee's work skills, professional conferences, professional association memberships and desired licenses relevant to the employee's current classification. Tuition reimbursement must be approved by the employee's Appointing Officer and be in accordance with procedures determined by the Human Resources Director.

In addition, subject to approval by the Appointing Officer or designee and to the extent funds are available, employees may utilize up to $1,000 of the funds available to them for that fiscal year under this section to pay for up to one-half of the cost of reasonable and necessary travel and lodging for approved training. Travel reimbursement rates shall be as specified in the Controller's travel policy memo; however, Tuition Reimbursement funds may not be used for food.

SECTION 31. TUITION REIMBURSEMENT FOR SUPERVISING CLINICAL PSYCHOLOGISTS

Each regularly scheduled full-time or part-time 2576 Supervising Clinical Psychologists (excluding as needed employees) may be reimbursed up to a maximum of $2,000 per fiscal year for tuition, internal or external training programs, professional conferences and professional association membership relevant to the employee's current classification. The funds may also be used to reimburse employees for the purchase of Personal Digital Assistants, professional software, books and subscriptions. Tuition reimbursement must be approved by the employee's Appointing Officer and be in accordance with procedures determined by the Human Resources Director.

SECTION 32. SPECIAL EDUCATIONAL LEAVE FOR SUPERVISING CLINICAL

PSYCHOLOGISTS

Each regular full time or part time 2576 Supervising Clinical Psychologist (excluding as needed employees) shall be allowed the required number of hours of educational leave with pay for re-licensure to attend formally organized courses, institutes, workshops or classes to fulfill re-licensure requirements, as authorized and approved by the Appointing Officer or designee.

SECTION 33. RENEWAL FEES FOR CERTIFICATIONS, LICENSES OR REGISTRATIONS

When a certificate, license or registration is required by the Civil Service Commission as a minimum qualification for City employment, the City will reimburse the employee for the amount of the mandatory fee for the renewal of such certificate, license or registration.

SECTION 34. BAR DUES

Full-time permanent exempt employees who, as a condition of employment, are required to be a member of the California State Bar shall be reimbursed for his/her annual mandatory minimum California State Bar dues.

SECTION 35. TRAINING, CAREER DEVELOPMENT AND INCENTIVES

Unrepresented employees shall be on paid status when assigned to attend required educational programs scheduled during normal working hours.

SECTION 36. LIFE INSURANCE

The City shall provide life insurance in the amount of $50,000 for all employees covered by this Ordinance.

SECTION 37. SAFETY EQUIPMENT & PROTECTIVE CLOTHING

All employees covered by this Ordinance shall be provided with safety equipment and protective clothing in accordance with Cal-OSHA requirements and as deemed appropriate by and authorized by the Appointing Officer or designee.

SECTION 38. LONG TERM DISABILITY

The City, at its own cost, shall provide to Miscellaneous Unrepresented Employees a Long

Term Disability (LTD) benefit that provides, after a one hundred and eighty (180) day elimination period, sixty percent salary (60%) (subject to integration) up to age sixty-five (65). Employees who are receiving or who are eligible to receive LTD shall be eligible to participate in the City's Catastrophic Illness Program only to the extent allowed for in the ordinance governing such program.

SECTION 39. PARENTAL RELEASE TIME

Upon proper advance notification, covered employees may be granted up to forty (40) hours Parental Leave per fiscal year four (4) hours of which will be paid leave to participate in the activities of a school or licensed child day care facility of any of the employee's children. Parental leave shall not exceed eight (8) hours in any calendar month of the year.

In order to qualify for Parental leave, the employee must give reasonable notice to his/her immediate supervisor prior to taking the time off. The employee must provide written verification from the school or licensed child day care facility that he/she participated in school/child care related activities on a specific date and at a particular time, if requested by management.

The employee may utilize either existing vacation, compensatory time off, or personal (unpaid) leave to account for absences after the two (2) paid hours per semester have been used. If both of the child's parents are employed by the City at the same worksite, the entitlement to a planned absence applies only to the parent who first gives notice.

Denial of Parental Leave under this section is not subject to the grievance process.

SECTION 40. MILEAGE REIMBURSEMENT

Covered employees shall be reimbursed at the Controller's certified rate per mile when required to use their personal vehicle for City business.

SECTION 41. MUNICIPAL TRANSPORTATION AGENCY (MTA) INCENTIVE PROGRAMS

Covered MTA (Municipal Transportation Agency) service critical jobcodes and 'A' positions shall be eligible to participate in the MTA Performance Incentive Program and the Attendance

Incentive Program.

SECTION 42. GRIEVANCE PROCEDURE

Definition:

A Grievance shall be defined as any dispute which involves the interpretation or application of this Ordinance. The grievance must state the circumstances on which the grievant claims to be aggrieved, the section(s) of the Ordinance which the grievant believes violated and the remedy or solution being sought by the grievant.

General Provisions:

In no event shall a grievance include a claim for money relief for more than a thirty (30) working day period prior to the initiation of the grievance.

If the supervisor or Appointing Officer fails to respond within the required time limits, the grievant may then present the grievance in writing to the next higher step. If the grievant fails to present the grievance to the next higher step within the required time limits, then the grievance will be considered to be resolved.

The time limits set forth in this grievance procedure may be extended by mutual agreement between the parties.

Any deadline date under this section that falls on a Saturday, Sunday or Holiday shall be continued to the next business day.

Procedure:

Step I Immediate Supervisor

An employee having a grievance must first discuss it with the employee's immediate supervisor. The employee's immediate supervisor is the individual who immediately assigns, reviews or directs the work of an employee.

If a solution to the grievance, satisfactory to the employee and immediate supervisor is not accomplished by the informal discussion, the employee may pursue the matter further. The employee *shall submit a written statement of the grievance to the immediate supervisor within fifteen (15) calendar days of the facts or event giving rise to the grievance or within fifteen (15) calendar days from such time as the employee should have known of the occurrence thereof.*

The immediate supervisor will make every effort to arrive at a prompt resolution by investigating the issue. He/she shall respond within five (5) calendar days.

Step II Department Head/Designee

If the employee is not satisfied with the decision rendered, the employee shall submit the grievance in writing to the department head or designee within fifteen (15) calendar days of receiving notification of that decision. The grievance shall include a specific description of the basis for the claim, the Ordinance section(s) believed violated and the resolution desired. The parties shall meet within fifteen (15) calendar days, unless a mutually agreed upon alternative is established. The Department Head/designee shall, within fifteen (15) calendar days of receipt of the written grievance, or within ten (10) calendar days of the date the meeting is held, whichever comes later, respond in writing to the grievance, specifying his/her reason(s) for concurring with or denying the grievance.

Step III Director, Employee Relations Division

If the employee is not satisfied with the decision of the Department Head/designee, the employee shall submit the grievance to the Employee Relations Director within fifteen (15) calendar days after receipt of the Department's decision.

The Director shall have thirty (30) calendar days after receipt of the written grievance in which to review and seek resolution of the grievance and to render a decision concurring with or denying the grievance. The Employee Relations Director's decision shall be final and binding.

SECTION 43. SAVINGS CLAUSE

Should any part hereof or any provision herein be declared invalid by any decree of court of competent jurisdiction, such invalidation of such part or portion of this Ordinance shall not invalidate the remaining portions hereof and the remaining portions hereof shall remain in full force *and effect for the duration of this ordinance.*

Recodifications may have rendered the references to specific Civil Service Rules and Charter sections contained herein incorrect. Such terms will be read as if they accurately referenced the same sections in their newly codified form as of July 1, 2008.

This Ordinance shall be effective July 1, 2008.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
ELIZABETH SALVESON
Chief Labor Attorney

ATTACHMENT A

LIST OF UNREPRESENTED JOB CODES PURSUANT TO CHARTER SECTION A8.409.1.

001 = Miscellaneous Unrep. Job Codes   002 = Management Unrep. Job Codes

1229	*Special Examiner*	*001*
1280	*Emp Relations Rep*	*001*
1281	*Sr Emp Relations Rep*	*001*
1867	*Assistant Performance Auditor*	*001*
1942	*Asst Materials Coordinator*	*001*
2561	*Optometrist*	*001*
2576	*Sprv Clincal Psychologist*	*001*
2782	*Laundry Superintendent*	*001*
2966	*Welfare Fraud Investigator*	*001*
2967	*Sup Welfare Fraud Investigator*	*001*
3238	*Dance Instructor*	*001*
3246	*Pianist*	*001*
3438	*Arborist Technician Supv II*	*001*
3650	*Medical Records Librarian*	*001*
8168	*Parking Hearing Supervisor*	*001*
8229	*Assoc Dir of Museum Sec Svcs*	*001*
8247	*Emergency Planning Coordinator*	*001*
8282	*Sr Environ Control Off*	*001*
8446	*Court Alternative Specialist 1*	*001*
9914	*Public Service Aide-Admin*	*001*
9916	*Public Svc Aide-Public Works*	*001*
9920	*Publ Svc Aide-Asst to Prof*	*001*
9922	*PS Aide to Prof*	*001*
AC34	*Project Analyst*	*001*
AC35	*Bd/Comm Secretary 3*	*001*
AC41	*Operations Program Associate*	*001*
AC42	*Grants Finance Associate*	*001*
AC43	*Grants Associate*	*001*
AC44	*Grant Funding Prgrm Associate*	*001*
AC45	*CIP Outreach Coordinator*	*001*
0881	*Mayoral Staff I*	*002*
0882	*Mayoral Staff II*	*002*
0883	*Mayoral Staff III*	*002*

0884	*Mayoral Staff IV*	*002*
0885	*Mayoral Staff V*	*002*
0886	*Mayoral Staff VI*	*002*
0887	*Mayoral Staff VII*	*002*
0888	*Mayoral Staff VIII*	*002*
0889	*Mayoral Staff IX*	*002*
0890	*Mayoral Staff X*	*002*
0891	*Mayoral Staff XI*	*002*
0892	*Mayoral Staff XII*	*002*
0901	*Mayoral Staff XIII*	*002*
0902	*Mayoral Staff XIV*	*002*
0903	*Mayoral Staff XV*	*002*
0904	*Mayoral Staff XVI*	*002*
0905	*Mayoral Staff XVII*	*002*
1282	*Mgr Emp Relations Div*	*002*
1283	*Dir Emp Relations Div*	*002*
1293	*Human Resources Director*	*002*
1849	*Prog Mgr, Bus & Econ Develop*	*002*
3234	*Marina Manager*	*002*
5646	*Environ Program Mgr I*	*002*
8137	*Chf Victim/Witness Invstgtor*	*002*
AB44	*Cfdntal Chf Atty 2,(Cvl&Crmnl)*	*002*
AC37	*Principal Area Manager*	*002*
AC38	*Assistant Superintendent, Rec*	*002*
AC39	*Manager, Marina Operations*	*002*

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080697 **Date Passed:**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2008.

June 24, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 8, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 080697

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 8, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·11·08
Date Approved

Mayor Gavin Newsom

FILE NO. 080662 ORDINANCE NO. 121-08

[Fees for Processing a Redemption of Tax Defaulted Property or a Secured Property Tax Second Installment Delinquency Notice.]

Ordinance amending the San Francisco Administrative Code by amending Section 8.34.1, to authorize the Tax Collector to charge a fee of $55.00 to cover the cost of processing a redemption of property that is in default due to the failure to pay property tax and a fee of $45.00 to cover the cost of processing a delinquency notice on the second installment of each separate valuation on the secured property tax roll, and to provide for an automatic adjustment of the fees for inflation.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to California Revenue and Taxation Code Section 2621, after the second installment of taxes on the secured roll is delinquent, the Tax Collector may collect a cost of ten dollars ($10.00) for preparing the delinquent tax records and for giving notice of delinquency on each separate valuation on the secured property tax roll of: (a) real property, except possessory interests; and (b) possessory interests and personal property cross-secured to real property.

Pursuant to California Revenue and Taxation Code Section 4102, property that is tax-defaulted due to failure to pay property taxes may be redeemed by payment of all prior year defaulted taxes, delinquent penalties and costs, plus a fifteen dollars ($15.00) redemption fee on each separately valued tax-defaulted parcel. The fee covers the cost to transfer and maintain the redemption statement and to process the redemption of tax-defaulted property.

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California Government Code Section 54985 authorizes a county board of supervisors to increase or decrease the amount of a fee or charge that is otherwise authorized to be levied by another provision of law by an amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may include an automatic increase for CPI inflation.

Based on data provided by the Tax Collector and the Controller, the average cost of processing second installment secured property tax delinquencies in 2006-2007 was forty-five dollars eighty-nine cents ($45.89) per delinquency. The average cost to transfer and maintain redemption statements is fifty-eight dollars eighty-seven cents ($58.87) per parcel.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 8.34.1 to read as follows:

SEC. 8.34.1. TAX BILLING– ADMINISTRATIVE FEES.

(a) Application for Separate Valuation. Pursuant to Section 2821 of the California Revenue and Taxation Code, a fee of *fifty dollars (*$50*.00)* shall be collected by the Tax Collector at the time any person applies to the Tax Collector to have any parcel separately valued on the current roll for the purpose of paying taxes. The fee shall be for the actual costs incurred by the Tax Collector for the processing of an application for separate assessment, and the initial ongoing costs of separate assessment, billings, and mailings. The fee may be billed separately or prior to initial separate tax bills, or both, or collected on subsequent tax bills, and shall be deposited in the General Fund.

(b) Delinquent Property Taxes–Installment Payments. Pursuant to Section 4217 of the California Revenue and Taxation Code, persons that request to pay delinquent property taxes in installments shall be subject to a processing fee of *twenty dollars (*$20*.00)*. The fee shall be paid to the Tax Collector and may be collected on the tax bill.

(c) Preparation and Provision of Documents. Pursuant to Section 162 of the California Revenue and Taxation Code, the Tax Collector shall charge and collect a fee of *one dollar* ($1.00) for preparing each of the following documents:

(1) A certified copy of a redemption certificate;

(2) A certified copy of an installment redemption receipt;

(3) A certificate of payment showing taxes paid;

(4) A certified copy of an assessment as entered on the assessment role.

The fee for providing a copy of any of these records or documents by photographic process shall be the actual cost thereof plus the sum of *one dollar* ($1.00). The fee shall be placed in the General Fund.

(d) Notary Fees. Any person requesting notary service shall pay the following fees:

Notary Services	
Acknowledgment	$ 10.00
Jurat	$10.00

(e) Notary fees received by the Tax Collector shall be deposited with the City and County Treasurer. Fees charged for notary services provided by the Tax Collector shall be adjusted, without further action of the Board of Supervisors, to reflect changes in Government Code Section 8211, or any subsequent amendment of that section.

(f) Notice of Delinquency. Pursuant to California Revenue and Taxation Code Section 2621 and California Government Code Section 54985, after the second installment of taxes on the secured roll is delinquent, the Tax Collector may charge a forty-five dollars ($45.00) fee for preparing the delinquent tax records and for giving notice of delinquency on each separate valuation on the secured property tax roll of (a) real property, except possessory interests; and (b) possessory interests; and personal property cross-secured to real property.

(g) Redemption of Tax-Defaulted Property. Pursuant to California Revenue and Taxation Code Section 4102 and California Government Code Section 54985, the Tax Collector may charge a fifty-five dollars ($55.00) fee for processing the redemption of each separately valued tax-defaulted parcel.

(h) Automatic Adjustment for Inflation. Beginning with fiscal year 2009-2010, the fees set in subsections (f) and (g) shall be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each year, the Tax Collector shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Jean H. Alexander
Jean H. Alexander
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080662 **Date Passed:**

Ordinance amending the San Francisco Administrative Code by amending Section 8.34.1, to authorize the Tax Collector to charge a fee of $55.00 to cover the cost of processing a redemption of property that is in default due to the failure to pay property tax and a fee of $45.00 to cover the cost of processing a delinquency notice on the second installment of each separate valuation on the secured property tax roll, and to provide for an automatic adjustment of the fees for inflation.

June 24, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 8, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 080662

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 8, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

7·11·08

Date Approved

Mayor Gavin Newsom

FILE NO. 080719 ORDINANCE NO. 122-08

[Building Code – fee adjustment.]

Ordinance amending the Building Code to amend various sections and fee schedule tables to adjust fees or permits, inspections, and other actions.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
~~Board amendment deletions are strikethrough normal.~~

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Building Inspection Department has submitted a report describing the basis for modify various fees in the Building Code. Said report in on file with the Clerk of the Board of Supervisors in File No. _____________ and is incorporated herein by reference.

Section 2. The San Francisco Building Code is hereby amended by amending Sections 106A.1.2, 106A.1.6, 106A.1.8, 106A.1.9.2, 106A.1.9.3, 106A.3.4.2, 106A.3.6, 106A.3.7, 106A.4.4, 106A.4.9, 106A.4.10, 106A.4.11, 106A.4.12, 106A.4.13, 107A.2, 107A.3, 107A.3.1, 107A.6, 107A.6.1, 107A.7, 107A.9, 107A.10, and fee schedule tables 1A-A, 1A-B, 1A-C, 1A-E, 1A-F, 1A-G, 1A-H, 1A-J, 1A-K, 1A-L, 1A-M, 1A-Q, 1A-R, and 1A-S; adding Section 107A.3.4 and Table 1A-D; and deleting Section 107A.4.1 in its entirety, to read as follows:

Section 106A.1.2 Permit and fees for grading, excavation, or filling of land. The valuation for the permit shall be based on the volume of material to be handled, and on a cost schedule posted in the Department. The permit *issuance* and plan review fees shall be the ~~*sameas*~~ *same as* those for new construction. See Section 110A, Table 1A-A – Building Permit Fees, and Table 1A-B – *Other* Building Permit ~~*Application*~~ and Plan Review Fees. See Chapter 33 and Appendix Chapter 33 for general grading provisions.

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Section 106A.1.6 Permits and Fees for Chimneys, Flues. A flue permit shall be required to erect, construct, alter or repair any chimney or flue except when it is a Type 1 grease hood or is constructed of masonry. A separate flue permit shall be required for each flue or chimney. Grease and masonry flues and chimneys shall require building permits per Section 106A. *See Section 110A, Table 1A-F – Specialty Permit Fees – for applicable fees.*

~~*Permits for chimneys or flues in new buildings may be issued in prepaid books. The Building Official and the Controller are hereby authorized to make the necessary rules and regulations for the issuance, use, accounting, and return of the permits issued in book form. See Section 110A, Table 1A-F – Specialty Permit Fees – for applicable fees.*~~

Section 106A.1.8 Garage door permits and fees. A garage door permit shall be required for the installation of such doors in existing buildings. See Section 110A, Table 1A-F – Specialty Permit Fees – for applicable fee. ~~*Permits for such doors in private garages may be issued in prepaid books. The Building Official and the Controller are hereby authorized to make the necessary rules and regulations for the issuance, use, accounting and return of the permits issued in book form.*~~

The provisions of this section shall not apply where structural alterations are made, or are required in connection with the installation of garage doors. This section also shall not apply to the alteration, repair, or replacement of garage doors in public garages. In all these cases, the permit and fee requirements of Sections 106A, 107A, 110A shall apply.

Section 106A.1.9.2 Permit fees. Permit fees for signs shall be based upon ~~*the type of sign, whether electric, non-electric or ground sign, and area of sign face*~~ *job valuation*. ~~*Where the sign is multi-faced, one-half of the total sign face area shall be used for fee determination.*~~ See Section 110A, Table ~~*1A-B*~~ *1A-A* – Building Permit ~~*Application and Plan Review*~~ Fees – for applicable fees. ~~*Standardized signs that have been approved and for which plans are on file with the Department are eligible for a fee reduction. See Section 110A, Table 1A-H – Sign Permit Fees.*~~

Section 106A.1.9.3 Plan review fees for signs. See Section 110A, Table ~~*1A-B*~~ *1A-A* – Building Permit ~~*Application and Plan Review*~~ Fees – for applicable fees.

Section 106A.3.4.2 Site permit. A site permit may be issued for the construction or major alteration, as that term is defined by the Building Official, of a building or structure upon approval of preliminary drawings and before the entire working drawings and specifications of the building or structure have been completed and submitted for approval.

Such preliminary drawings and specifications shall clearly indicate the nature, character and extent of the work proposed. The application procedure shall comply with Sections 106A.1 through 106A.4 except for the completeness of plans. The permit *issuance* fees and plan ~~*checking*~~ *review* fees shall be as set forth in Section 110A, Table 1A-A – Building Permit Fees, and Table 1A-B – *Other* Building Permit *Application* and Plan Review Fees, and shall be calculated on the basis of the total valuation of the work. No construction work shall be done under the site permit. Construction may proceed after the appropriate addenda have been issued. In no case shall construction exceed the scope of the issued addenda.

Plans for construction may be divided and submitted in accordance with an addenda schedule ~~*approved in writing by the Building Official*~~ *submitted on the site permit drawings or on the first addendum drawings*. See Section 110A, Table 1A-B – *Other* Building Permit ~~*Application*~~ and Plan Review Fees – for applicable fee*s*.

The holder of such permit and addenda shall proceed with approved addenda work at the permittee's own risk, without assurance that approvals for the remaining addenda or for the entire building or structure will be granted.

Each addendum *must be approved and issued before work shown on that addendum may commence. The time allowed for review, approval and issuance of all addenda is governed by the maximum time allowed per Section 106A.4.4 and Table B—Maximum Time Allowed to Complete All Work Authorized by Building Permit. The extension times may be applied upon payment of fee per Section 110A, Table 1A-J – Miscellaneous Fees. If all required addenda are not approved and issued by the maximum time allowed, the site permit, all previously approved addenda, and all remaining addenda shall be deemed to be canceled* ~~*shall be considered an application for the purposes of Section 106A.3.7. When an addendum or site permit is canceled after being held in abeyance for the stipulated time period, the site permit and all approved or pending addenda shall also be deemed to be canceled*~~. When a site permit has been canceled, an alteration work application shall be required to resume processing. The provisions of Section 107A.3.3 shall apply to such alteration work application.

Section 106A.3.6 *Permit Facilitator.* ~~*Permit process expediter. Every building permit application which requires the approval of three or more bureaus, departments, agencies or subdivisions thereof of any federal, state and local government body shall be reviewed by a Permit Process Expediter. The Permit Process Expediter shall be under the jurisdiction of the Building Official. The duties of the Permit Process Expediter shall be to facilitate the coordination of interdepartmental review of the permit application so that time limitations for review by a bureau, agency, department or subdivision thereof are maintained in compliance with the applicable procedures set forth by the governmental body, to provide the public with any information concerning mandatory permit procedures or requirements, and to process all complaints caused by the lack of coordination among the departments, bureaus or agencies or subdivisions thereof. See Section 110A, Table 1A-B—Building Permit Application and Plan Review Fees. The fee for such service shall be paid upon filing of an application for a new building, and upon issuance of a building permit for alteration*~~

~~work.~~ *Any permit applicant may use the services of a Permit Facilitator. The Permit Facilitator shall be under the jurisdiction of the Building Official. The duties of the Permit Facilitator include distributing permit application submittals to various review disciplines, departments or agencies; and providing the project sponsor with a single point of contact regarding permit application status, procedures or requirements. The fee for such service shall be per Table 1A-B – Other Building Permit and Plan Review Fees and shall be paid upon filing of a permit application.*

Section 106A.3.7 *Application Expiration.* ~~*Cancellation of application during processing.*~~ The Building Official may hold in abeyance or reject any application, plans, or specifications filed which in the Building Official's opinion, do not provide the necessary information in a clear and concise manner as required in Section 106A.3.3, and shall cancel such an application upon the expiration of the time period set forth ~~*below*~~ *per Table A*.

~~*During the processing of the application,*~~ *At the time the application has been deemed acceptable for building plan review by the Department of Building Inspection,* any corrections, additional information, plans or documents that are necessary to complete the processing by any of the enforcing agencies shall be submitted and approved within the following time limitations:

~~*Valuation*~~	~~*Time Limitation*~~
~~*Under $100,000*~~	~~*60 calendar days*~~
~~*$100,000 to $1 million*~~	~~*90 calendar days*~~
~~*Over $1 million*~~	~~*120 calendar days*~~

TABLE A

Valuation	*Time Limitation*	*Extension Limitation*
~~*$1.00 to $1 million*~~	~~*360 calendar days*~~	~~*360 calendar days*~~
Over $1 million	*720 calendar days*	*360 calendar days*

~~*The above time limits shall start when the applicant or the applicant's representative has been notified by the enforcing agency representative that corrections are required.*~~ The time limitation shall apply until ~~*all*~~ *the application has been approved and permit is issued* ~~*and corrections have been satisfactorily made*~~. A one-time extension ~~*of 60 days*~~ *per Table A* may be granted by the Building Official at any point during the approval ~~*procedure*~~ *process*, upon written request by the applicant and payment of fee. *An additional extension may be granted by the Building Official prior to extension expiration*. See Section 110A, Table 1A-J – Miscellaneous Fees – for applicable fee. In the event an extension of time extends the life of an application beyond the effective date of the adoption of a new code, the Building Official may require that all or part of the application be subject to the provisions of the *new code and payment of an additional plan review fee per Table 1A-A – Building Permit Fees*. In the event the *application has not been approved and issued* ~~*corrections have not been made*~~ within 21 days before the end of the stated *time period in Table A* ~~*or extended time period*~~, the Department shall notify the applicant by certified mail that the application will be canceled in 21 days *unless the application is extended* ~~*the plans are made approvable within that time*~~. An application which exceeds the stated or extended time period after such notice shall be deemed canceled without further action by the Department.

EXCEPTIONS:

1. For applications resulting from enforcement actions initiated by the Building Official to abate code violations, the above time limits shall be reduced to 30 days and 10 days, respectively. The Building Official may grant a 30-day extension for hardship or procedural error. Upon cancellation, such cases shall be referred to the City Attorney for legal action.

2. The above time limits shall not apply to applications which are subject to the work without permit investigation fee per Section 110A, Table 1A-K – Penalties, Hearings, Code Enforcement Assessments. Such applications shall be canceled only through specific action by the Building Official.

~~*A separate time limit period shall apply for each of the review stages within the enforcing agency; however, at no time shall the time limitation in any one review stage exceed that stated above.*~~

~~*106A.3.9 Cancellation of approved application. The Department shall cancel an application 120 calendar days after notification of approval was mailed to the applicant if the applicant has failed to pay the fees and obtain the permit. The Department shall notify the applicant by certified mail 21 days prior to any cancellation action. If the permit is not obtained within those 21 days, the application shall be deemed canceled without further action by the Department. Upon written request by the applicant prior to cancellation, a one-time 60-day extension may be granted by the Building Official, provided such extension had not been previously granted under Section 106A.3.7 above. See Section 110A, Table 1A-J – Miscellaneous Fees – for applicable fee.*~~

~~*EXCEPTIONS:*~~

~~*1. For applications resulting from enforcement actions initiated by the Building Official to abate code violations, the above time limits shall be reduced to 30 days and 10 days, respectively. The Building Official may grant a 30-day extension for hardship or procedural error. Upon cancellation, such cases shall be referred to the City Attorney for legal action.*~~

~~2. The above time limits shall not apply to applications which are subject to the work without permit investigation fee per Section 110A, Table 1A-K – Penalties, Hearings, Code Enforcement Assessments. Such applications shall be canceled only through specific action by the Building Official.~~

Section 106A.4.4 *Permit* Expiration. Every permit issued by the Building Official under the provisions of this code, unless an extension of time has been specifically approved by the Building Official, shall expire by limitation and become null and void when the time allowed in Table ~~*A*~~ *B* is reached, or when any of the following circumstances is applicable:

1. If the building or work authorized by such permit is not started within 90 days from the date of such permit, except for site permits with a valuation of $2,500,000 or more and Building Official-initiated code compliance permits.

2. For Site permits with a valuation of $2,500,000 or more, the work shall start within ~~*18 months*~~ *720 days* ~~*or half the time period specified in Table A, whichever is the greater amount of time*~~.

3. For Building Official-initiated code compliance permits, the work shall start within 30 days from the date of such permit.

4. If the building or work authorized is suspended or abandoned at any time after the work has started, for a period as follows:

    4.1 Thirty days for Building Official- initiated code compliance permits.

    4.2 Ninety days for all other permits.

5. An extension of time from the stated periods may be permitted for good reason, provided such requests for an extension are submitted to the ~~*Chief Building Inspector*~~ *Building Official* in writing prior to the end of the time period accompanied by payment of a fee per Table 1A-J – Miscellaneous Fees. Unless approved by the Building Official, no more than *one* ~~*three*~~ extension~~*s*~~ of time may be granted. Any ~~*inspections performed during the extended portion of*~~

~~*the life of the permit will require payment of inspection fees in addition to the*~~ extension of time shall not exceed the following time periods:

5.1 ~~*One hundred eighty*~~ *Three hundred sixty* days for site permits with a valuation of $2,500,000 or more.

5.2 Thirty days for Building Official- initiated code compliance permits with a valuation of less than $25,000.

5.3 ~~*Ninety days for*~~ *For all other permits, see Table B – Maximum Time Allowed to Complete All Work Authorized by Building Permit*. The maximum time allowed for Building Official- initiated code compliance permits shall be 12 months for all permits exceeding $25,000 total valuation.

~~*EXCEPTION: See Table 16B-A – Program Implementation Schedule – Footnotes 2 and 3.*~~

6. A demolition permit shall expire 180 days after issuance. Only one extension of time of 90 days shall be granted upon written request to the Building Official.

7. The Building Official may administratively authorize the processing of applications involving compliance actions initiated by the Department, in a manner other than set forth in this code, so as to effect said compliance most expeditiously; provided, however, that due process is assured all applicants. In this regard, the Building Official may reduce the time periods set forth in this section as they apply to a second application and permit required by the Building Official to effect full compliance with this code and other applicable laws and regulations if by doing so code compliance would be more expeditiously accomplished.

EXCEPTION: In order to avoid repetitive filings and processing of applications to effect code compliance, the Building Official is hereby authorized to establish alternate procedures and extensions of time from cancellation pursuant to Section 106A.4.1 and from expiration pursuant to this section; provided, however, that the Building Official, in establishing alternate procedures and extension of time, shall proceed as expeditiously as possible toward abatement of the violations.

When a permit is issued but delayed due to actions before the Board of Appeals or other City agencies, or cases in any court of competent jurisdiction, or is under review by a State or regional regulatory body, the time allowable shall be computed from the date of the final action of the agency or court of jurisdiction.

~~*TABLE A – MAXIMUM TIME ALLOWED TO COMPLETE ALL WORK AUTHORIZED BY BUILDING PERMIT*~~

~~*Valuation*~~	~~*Time Allowed (1)(2)*~~
~~*Under $5,000*~~	~~*4 months*~~
~~*$5,001 to $25,000*~~	~~*6 months*~~
~~*$25,001 to $300,000*~~	~~*12 months*~~
~~*$300,001 to $1,000,000*~~	~~*24 months*~~
~~*$1,000,001 to $5,000,000*~~	~~*30 months*~~
~~*$5,000,001 to $20,000,000*~~	~~*36 months*~~
~~*Over $20,000,000*~~	~~*48 months*~~

TABLE B – MAXIMUM TIME ALLOWED TO COMPLETE ALL WORK AUTHORIZED BY BUILDING PERMIT

Valuation	*Time Allowed (1)*	*Extension Limitation*
$1.00 to $300,000	*360 days*	*90 days*
$300,000 to $2,499,999	*1,080 days*	*180 days*
$2,500,000 and above	*1,440 days*	*360 days*

NOTES

(1) For site permits with a valuation of $2,500,000 or more, the time allowed to complete work authorized by the building permit may be increased by 50 percent. For site permits with a valuation less than $2,500,000, use Table *A* *B*.

~~*(2) Permits filed under Chapter 16B – Earthquake Hazard Reduction in Unreinforced Masonry Bearing Wall Buildings – shall comply with Table 16B-A – Program Implementation Schedule.*~~

Section 106A.4.9 Pre-application plan review or inspection. When a party wishes to discuss specific design issues or submit preliminary designs for review and comment by the Department prior to formal application for a permit, a request for pre-application plan review must be submitted in writing to the Building Official. See Section 110A, Table 1A-B – *Other* Building Permit ~~*Application*~~ and Plan Review Fees – for applicable fees. Payment of the minimum fee must be submitted with the letter of request.

In cases where on-site discussion with a field inspector is desired, the same request requirements apply. See Section 110A, Table 1A-G – Inspections, Surveys and Reports – for applicable fee.

Section 106A.4.10 Review of mechanical plans. When an application for a permit contains a mechanical component (separate from or in addition to energy conservation design) sufficient in scope or complexity to require review by a mechanical specialist, a fee for this service shall be assessed and is payable before issuance of the permit. See Section 110A, Table 1A-B – *Other* Building Permit ~~*Application*~~ and Plan Review Fees – for applicable fee.

Section 106A.4.11 Review of electrical plans. When an application for a permit contains an electrical component (separate from or in addition to energy conservation design) sufficient in scope or complexity to require review by an electrical specialist, a fee for this service shall be assessed and is payable before issuance of the permit. See Section 110A, Table 1A-B *Other* Building Permit ~~*Application*~~ and Plan Review Fees – for applicable fee.

Section 106A.4.12 Review of plumbing plans. When an application for a permit contains a plumbing component sufficient in scope or complexity to require review by a plumbing plan reviewer, a fee for this service shall be assessed and is payable before issuance of the permit. See Section 110A, Table 1A-B – *Other* Building Permit ~~*Application*~~ and Plan Review Fees – for applicable fee.

Section 106A.4.13 *Premium Plan Review.* ~~*Express plan review. At the request of the applicant, with prior approval of the Building Official, and upon payment of an additional fee at filing (see Section 110A, Table 1A-B – Building Permit Application and Plan Review Fees – for applicable fee), applications for a permit shall be reviewed and completed by the Department of Building Inspection within 20 working days. Applicants must respond to requests for additional information, corrections, revised plans or other requirements necessary to the completion of review and issuance of the permit within five working days of the Department's first attempt to notify same of requirements. If the applicant fails to respond within five working days or said response does not satisfy the requirement, fees shall be retained and the application shall be reviewed per standard procedure. If the Department fails to complete its review within 20 calendar days, the additional fees shall be refunded to the applicant. This service is offered for plan review by the Department only and does not commit any other City agencies, such as the Planning Department or the San Francisco Fire Department, to the 20-working-day review schedule.*~~ *At the request of the applicant and upon payment of an additional fee per Table 1A-B – Other Building Permit Application and Plan Review Fees, building permit applications shall be reviewed by the Department of Building Inspection within a guaranteed plan review time set by the Building Official. This building plan review time will be less than normal turnaround times and will be developed on a case-by-case basis depending on the scope of work and* *the quality of completeness of the submittal documents. At or before the due date of the guaranteed building plan review time, a thorough set of plan review comments and/or corrections will be sent to the applicant for response. Premium Plan Review does not guarantee plan review times during the recheck process, nor building permit approval and issuance. If the Department fails to complete its plan review within the guaranteed plan review time, the additional fee paid shall be refunded to the applicant upon written request by the applicant. This service is offered for plan review by the Department of Building Inspection only and does not commit any other City agencies or departments to the turnaround times.*

Section 107A.2 Permit *Issuance* Fees. The minimum permit fee per Section 110A, Table 1A-A – Building Permit Fees – shall be paid at the time an application for a building permit is ~~*filed*~~ *issued* ~~*and shall be credited toward the final permit fee due at the time of permit issuance*~~. The New Construction Permit Fee Schedule applies to new buildings or structures. The Alteration Permit Fee Schedule applies to alterations, repairs, additions or other work on an existing building or structure, or to the modification of the scope of an approved permit as required by Section 106A.4.7.

The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The value to be used in computing the ~~*building*~~ permit *issuance* and ~~*building*~~ plan review fees shall be the final valuation upon completion of all construction work for which the permit is issued, as well as all finish work, painting, roofing, mechanical, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and all other permanently installed equipment and construction, even though other permits to perform such work may be required.

The valuation shall be calculated at the time of permit issuance according to a cost schedule posted in the office of the Department *or by actual construction cost, whichever is* *greater*. *The valuation shall be recalculated at the time of any addenda and/or revision issuance. Any additional fees due resulting from the recalculation of valuation shall be paid prior to addenda and/or revision issuance.* The cost schedule shall be adjusted annually based on construction cost data reported by Marshall and Swift, Valuation Engineers. Contractor overhead and profit shall be reflected in the schedule. The Building Inspection Commission is authorized to waive the annual cost schedule adjustment if it determines that increasing the fees will exceed the cost of providing the services for which the fees are paid.

Section 107A.3 Plan Review Fees. When submittal documents are required by Section 106A.3.2, a plan review fee shall be paid at the time of filing an application for a ~~*building*~~ permit for which plans are required pursuant to Section 106A.3.2. Said plan review fee shall be based on the valuation determined by Section 107A.1. See Section 110A, Table 1A-~~*B*~~*A* – Building Permit ~~*Application and Plan Review*~~ Fees – for applicable fee.

The plan review fees specified in this section are separate fees from the permit *issuance* fees specified in Section 107A.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106A.3.4.2, an additional plan review fee shall be charged as shown in Section 110 Table 1A-B – *Other* Building Permit ~~*Application*~~ and Plan Review Fees.

Section 107A.3.1 Reduced plan review fee. A reduced plan review fee shall be collected for reviewing submittal documents identical to those filed within one year of the original approved construction documents for which the full plan review fee was paid. For this purpose, plans may be considered identical when they contain only such minor differences as exterior finishes, or if they are identical but opposite hand. See Section 110A, Table 1A-B – *Other* Building Permit ~~*Application*~~ and Plan Review Fees – for the second and each subsequent set of identical submittal documents within the stated time period. To obtain this reduction, the applicant shall submit a copy of the original approved construction documents for which the full plan review fee was paid.

When the submittal documents are substantially changed from those that were previously approved, an additional *full* plan review fee shall be charged. ~~*This fee shall be the fee indicated in the schedule of fees for the value of the portion of the building or structure affected by such changes.*~~ *See Section 110A, Table 1A-B – Other Building Permit and Plan Review Fees – for applicable fee.*

Section 107A.3.4 Site Permit and Addenda Fees. The permit fee for projects submitted under the site permit and addenda process shall be based on Section 110A, Table 1A-A – Building Permit Fees and additional fees as stated in Table 1A-B – Other Building Permit and Plan Review Fees. Twenty-five percent of the plan review fee shall be paid at the time of site permit application submittal, and shall be credited toward the final plan review fee payment at the time of foundation addendum submittal. Twenty-five percent of the permit issuance fee shall be paid at the time of site permit issuance, and shall be credited toward the final permit issuance fee payment at the time of foundation addendum issuance.

~~*Section 107A.4.1 Site permits/addenda expiration. When addenda processing does not begin within six months after the issuance of a site permit, an application for alteration work shall be filed at the time the first addendum is submitted. The valuation to be used on the application shall be the difference between the current project valuation and the original project valuation.*~~

Section 107A.6 Fee Refunds. When no work has been done and the project has been abandoned or the permit expired *per Section 106A.4.4*, the building *issuance* ~~*permit*~~ fee paid shall be refunded upon written request of the owner when such request is made within *six* *months* ~~one year~~ of permit expiration. See Section 110A, Table 1A-R – Refunds – for applicable refund.

Section 107A.6.1 Plan review fees. When an application is withdrawn, the plan review fee paid may be *partially* refunded upon written request in the case no site inspection had been made by Department personnel, and plan review had not started within any division of the Department. See Section 110A, Table 1A-R – Refunds – for applicable refund. For other cases, the amount of refund, if any, shall be determined by the Building Official, based on the amount of permit processing work already ~~done~~ *completed* on the application at the time it was withdrawn. Requests for refunds must be made within 30 days of withdrawal *by the applicant to the Building Official*.

Section 107A.7 Strong Motion Instrumentation *Program* Fee. Pursuant to the provisions of Section 2705 of the Public Resources Code of the State of California, a fee shall be assessed for all building permits except demolitions ~~and signs~~. See Section 110A, Table 1A-F – Specialty Permit Fees – for applicable fee. All such fees collected shall be handled in accordance with the provisions of Section 2706 of said Public Resources Code.

Section 107A.9 Survey. A building survey may be requested when a building inspector's assistance ~~isdesired~~ *is desired* to establish code compliance of existing or proposed construction. See Section 110A, Table 1A-G – Inspections, Surveys and Reports – for applicable fees.

Section 107A.10 Building Numbers and Fees. Every person shall obtain an official street number assignment at the time the person *files* ~~obtains~~ a ~~building~~ permit *application or establishes a new parcel* and shall place the numbers so assigned on the building in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall not be less than 4 inches (101.6 mm) in height and shall be a contrasting color to the background. All numbers must be made of substantial and permanent material and must be so affixed as not to be easily effaced or removed. Any additional numbers assigned to a building shall be subject to the provisions of this section. See Section 110A, Table 1A-J – Miscellaneous Fees – for applicable fee.

SECTION 110A – SCHEDULE OF FEE TABLES

~~1A-A Building Permit Fees~~
1A-B *Other* Building Permit ~~*Application*~~ and *Plan Review Fees*
1A-C Plumbing*/Mechanical* Permit *Issuance and Inspection* Fees
1A-D ~~*Reserved*~~ *Standard Hourly Rates*
1A-E Electrical Permit *Issuance and Inspection* Fee~~s~~ *Schedule*
1A-F Specialty Permit Fees
  1. Bleachers Permit Fee Table
  2. Chimney and Flue Permits
  3. Demolition Permit Fee Table
  4. Extra Permit Work
  5. Garage Door Permits
  6. Grading Permits
  7. House Moving Permit Fee
  8. Recommencement of Work Not Completed
  9. Re-roofing Permits
  10. Strong Motion Instrumentation *Program* Fee
  11. Subsidewalk Construction ~~*and Use Permit Fee*~~
  12. Construction of impervious surface in front yard setback area
1A-G Inspections, Surveys and Reports

1. Standard Inspection Fee
2. Off-Hours Inspection
3. Pre-Application Inspection
4. Re-inspection Fee
5. Report of Residential Records (3R)
6. ~~Survey of Nonresidential Buildings~~
7. Survey of Residential Buildings *For Any Purpose or Condominium Conversion*
8. Temporary Certificate of Occupancy

1A-H Sign Permit Fees

1A-I Reserved

1A-J Miscellaneous Fees

1. Central Permit Bureau Fees
2. Building Numbers

Extension of Time: Application Cancellation and Permit Expiration

3. Product Approvals

1A-K Penalties, Hearings, Code Enforcement Assessments

1. Abatement Appeals Board Hearing, Filing Fee
2. Board of Examiners Filing Fees
3. Building Official's Abatement Orders
4. Emergency Order
5. Exceeding the Scope of the Approved Permit
6. Access Appeals Commission Filing Fee

7. Lien Recordation Charges

8. Work without Permit: Investigation Fee; Penalty

9. Building Commission Hearing Fees

10. Additional Hearings required by Code

1A-L Public Information

1. Public Notification and Record Keeping Fees

2. Demolition

3. Notices

4. Reproduction and Dissemination of Public Information

5. Replacement of Approved Plans/Specifications

6. *Records Retention Fee*

1A-M Boiler Fees

1A-N Energy Conservation

1A-O Reserved

1A-P Apartment House and Hotel License Fees

1A-Q Hotel Conversion Ordinance Fees

1A-R Refunds

1A-S Un-Reinforced Masonry Building Retrofit

~~*TABLE 1A-A — BUILDING PERMIT FEES*~~

~~*1. New construction permit fee 1*~~

~~*TOTAL VALUATION FEE*~~

~~*$1.00 to $500.00*~~ . . . . ~~*$20.50 (minimum fee)*~~

~~*$501.00 to $2,000.00*~~ . . . . ~~*$20.50 for the first $500.00 plus $3.00 for each additional $100.00 or fraction thereof, to and including $2,000.00*~~

~~$2,001.00 to $25,000.00 . . . . $66.00 for the first $2,000.00 plus $12.50 for each additional $1,000.00 or fraction thereof, to and including $25,000.00~~

~~$25,001.00 to $50,000.00 . . . . $354.00 for the first $25,000.00 plus $8.75 for each additional $1,000.00 or fraction thereof, to and including $50,000.00~~

~~$50,001.00 to $100,000.00 . . . . $573.00 for the first $50,000.00 plus $6.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00~~

~~$100,001.00 to $500,000.00 . . . . $874.00 for the first $100,000.00 plus $5.00 for each additional $1,000.00 or fraction thereof, to and including $500,000.00~~

~~$500,001.00 to $1,000,000.00 . . . . . . $2,875.00 for the first $500,000.00 plus $4.25 for each additional $1,000.00 or fraction thereof, to and including $ 1-,000,000.00~~

~~$1,000,001.00 and up . . . . $5,001.00 for the first $1,000,000.00 plus $3.25 for each additional $1,000.00 or fraction thereof~~

~~2. Alteration permit fee 1 2~~

~~Total Valuation Fee~~

~~$0 to $100,000 1.3 times New Construction Permit Fee (minimum fee $26.65)~~

~~$100,001 and up . . . . $1,135.00 plus 1.25 times the New Construction Permit Fee for values greater than $100,000~~

~~NOTES:~~

~~1 These permit fees do not include other fees that may be required by other Departments: Public Works, Planning, Fire, Public Health, etc., nor do they include plumbing, electrical or mechanical permit fees unless so stated in the other fee tables.~~

~~2 A surcharge of $5.00 shall be added to those alteration permits sought for buildings classified as R3 (one/two family dwelling) and E3 (licensed day care) that were constructed prior to 1979 to implement the interior lead safe work practices provisions of Section 3407 et seq. of this code.~~

TABLE 1A-A –BUILDING PERMIT FEES[1,2]

TOTAL VALUATION	NEW CONSTRUCTION		ALTERATIONS		NO PLANS
	Plan Review Fee	Permit Issuance Fee	Plan Review Fee	Permit Issuance Fee	
$1.00 To $2,000.00	$141.17 for the First $500.00 or less plus $5.83 for each additional $100.00 or fraction thereof, to and including $2,000.00	$60.50 for the First $500.00 or less plus $2.50 for each additional $100.00 or fraction thereof, to and including $2,000.00	$155.75 for the First $500.00 or less plus $3.15 for each additional $100.00 or fraction thereof, to and including $2,000.00	$66.75 for the First $500.00 or less plus $1.35 for each additional $100.00 or fraction thereof, to and including $2,000.00	$180.00 for the First $500.00 or less plus $4.00 for each additional $100.00 or fraction thereof, to and including $2,000.00
$2,001.00 To $50,000.00	$228.62 for the First $2,000.00 plus $14.00 for each additional	$98.00 for the First $2,000.00	$203.00 for the First $2,000.00 plus $19.11 for	$87.00 for the First $2,000.00	$240.00 for the First $2,000.00

TOTAL VALUATION	NEW CONSTRUCTION		ALTERATIONS		NO PLANS
	Plan Review Fee	Permit Issuance Fee	Plan Review Fee	Permit Issuance Fee	
	$1,000.00 or fraction thereof, to and including $50,000.00	plus $6.00 for each additional $1,000.00 or fraction thereof, to and including $50,000.00	each additional $1,000.00 or fraction thereof, to and including $50,000.00	plus $8.19 for each additional $1,000.00 or fraction thereof, to and including $50,000.00	plus $5.83 for each additional $1,000.00 or fraction thereof, to and including $50,000.00
$50,001.00 To $200,000.00	$900.62 for the First $50,000.00 plus $9.33 for each additional $1000.00 or fraction thereof, to and including $200,000.00	$386.00 for the First $50,000.00 plus $4.00 for each additional $1000.00 or fraction thereof, to and including	$1,120.28 for the First $50,000.00 plus $11.43 for each additional $1000.00 or fraction thereof, to and including $200,000.00	$480.12 for the First $50,000.00 plus $4.90 for each additional $1000.00 or fraction thereof, to and	$519.24 for the First $50,000.00 plus $2.86 for each additional $1000.00 or fraction thereof, to and

TOTAL VALUATION	NEW CONSTRUCTION		ALTERATIONS		NO PLANS
	Plan Review Fee	Permit Issuance Fee	Plan Review Fee	Permit Issuance Fee	
		$200,000.00		including $200,000.00	including $200,000.00
$200,001.00 To $500,000.00	$2,300.12 for the First $200,000.00 plus $6.53 for each additional $1000.00 or fraction thereof, to and including $500,000.00	$986.00 for the First $200,000.00 plus $2.80 for each additional $1000.00 or fraction thereof, to and including $500,000.00	$2,834.78 for the First $200,000.00 plus $9.33 for each additional $1000.00 or fraction thereof, to and including $500,000.00	$1,215.12 for the First $200,000.00 plus $4.00 for each additional $1000.00 or fraction thereof, to and including $500,000.00	Plans Required for Submittal
$500,001.00 To $1,000,000.0	$4,259.12 for the First $500,000.00	$1,826.00 for the First	$5,633.78 for the First	$2,415.12 for the First	Plans Required for

TOTAL VALUATION	*NEW CONSTRUCTION*		*ALTERATIONS*		*NO PLANS*
	Plan Review Fee	*Permit Issuance Fee*	*Plan Review Fee*	*Permit Issuance Fee*	
0	*plus $5.83 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00*	*$500,000.00 plus $2.50 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00*	*$500,000.00 plus $6.42 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00*	*$500,000.00 plus $2.75 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00*	*Submittal*
$1,000,001.00 To $5,000,000.00	*$7,174.12 for the First $1,000,000.00 plus $5.13 for each additional $1,000.00 or*	*$3,076.00 for the First $1,000,000.00 plus $2.20 for each additional*	*$8,843.78 for the First $1,000,000.00 plus $5.83 for each additional $1,000.00 or*	*$3,790.12 for the First $1,000,000.00 plus $2.50 for each*	*Plans Required for Submittal*

TOTAL VALUATION	*NEW CONSTRUCTION*		*ALTERATIONS*		*NO PLANS*
	Plan Review Fee	*Permit Issuance Fee*	*Plan Review Fee*	*Permit Issuance Fee*	
	fraction thereof, to and including $1,000,000.00	*$1,000.00 or fraction thereof, to and including $1,000,000.00*	*fraction thereof, to and including $1,000,000.00*	*additional $1,000.00 or fraction thereof, to and including $1,000,000.00*	
$5,000,001.00 And Up	*$27,694.12 for the First $5,000,000.00 plus $4.90 for each additional $1,000.00 or fraction hereof*	*$11,876.00 for the First $5,000,000.00 plus $2.10 for each additional $1,000.00 or fraction thereof*	*$32,163.78 for the First $5,000,000.00 plus $5.48 for each additional $1,000.00 or fraction thereof*	*$13,790.12 for the First $5,000,000.00 plus $2.35 for each additional $1,000.00 or fraction thereof*	*Plans Required for Submittal*

NOTES:

1. These permit fees do not include other fees that may be required by other Departments: Public Works, Planning, Fire, Public Health, etc., nor do they include plumbing, electrical or mechanical permit fees unless so stated in the other fee tables.

2. A surcharge of $5.00 shall be added to those alteration permits sought for buildings classified as R3 (one/two-family dwelling) and E3 (licensed day care) that were constructed prior to 1979 to implement the interior lead safe work practices provisions of Section 3407 et seq. of this code.

TABLE 1A-B – *OTHER* BUILDING PERMIT ~~*APPLICATION*~~ AND PLAN REVIEW FEES[1]

1.	*Plan Review Fees Not Covered in Table !A-A:*	*Plan Review Hourly Rate – Minimum One Hour*
~~*1.*~~*2.*	Back ~~*c*~~*C*heck ~~*f*~~*Fee:* [~~1~~2]	~~*$80.00 per hour or fraction thereof*~~ *Plan Review Hourly Rate – Minimum One Hour*
~~*2.*~~*3.*	Commencement of work not started*:*	*See SFBC Section 106A.4.4.1* *Note: Compliance with additional codes is required.*
	a. Building, plumbing*, mechanical,* or electric permit fee *b.* Plan ~~*r*~~*R*eview *Fee*	~~*50%*~~ *75% of current fee* ~~*50%*~~ *100% of current fee*~~*, maximum $137.05*~~
~~*3.*~~	~~*Electrical plan review*~~	~~*$80.00 per hour or fraction thereof*~~
4.	~~*Expediter*~~ *Permit Facilitator* ~~*f*~~*Fee:*	*Plan Review Hourly Rate Hourly - Minimum Thee hours* ~~*$26.00*~~ *See SFBC Section 106A.3.6*

~~5.~~	~~Mechanical plan review~~	~~$80.00 per hour or fraction thereof~~
~~6.~~	~~Plan review fees for new construction, alterations, grading and demolitions~~	~~65% of new construction permit table~~
~~7.~~	~~Plan review under prior code~~	~~$80.00~~
~~8~~ 5.	Pre-application ~~p~~Plan ~~r~~Review Fee:	Plan Review Hourly Rate -Minimum Two Hours Per Employee
	~~minimum fee per employee (first 2 hours or fraction thereof)~~	
	~~Each participating Department employee hour or fraction thereof after the first 2 hours~~	~~$80.00~~
~~9~~ 6.	Reduced ~~p~~Plan ~~r~~Review Fee:	50% of the Plan Review Fee
	~~25% of the plan review fee, minimum~~	~~$20.50~~
~~10~~ 7.	Sign ~~p~~Plan ~~r~~Review Fee:	~~50% of sign permit table~~ See Table 1A-A --Building Permit Fees
	~~Exceptions/waivers:~~	~~no fee for electrical signs less than 10 square feet (0.929 m^2) or nonelectrical signs less than 25 square feet (2.32 m^2).~~
	~~Approved, standardized signs on file with the Building Official~~	~~$8.40 each~~
~~11~~8.	Site Permit ~~surcharge~~ Fee~~:~~	20% of Plan Review Fee based on Table 1A-A. Minimum fee $500.00
	~~Valuation of $350,000.00 or less and only one addendum~~	~~$137.05~~
	~~Valuation of more than $350,000.00 or more than one addendum~~	~~$818.20~~
~~12~~ 9.	~~Express~~ Premium ~~p~~Plan ~~r~~Review Fee – submitted application:~~surcharge~~	50% of ~~p~~Plan ~~r~~Review F~~f~~ee plus $1,000.00
10.	Premium Plan Review Fee – Over the counter building plan review by appointment:	

		50% of Plan Review Fee plus $400.00
~~*13*~~	~~*Plumbing plan review*~~	~~*$80.00*~~
11.	*Other Services:*	*Hourly Rates per Table 1A-D*

NOTE:

~~[1] *See Table 1A-D—Standard Hourly Rates*~~

[2] "Back check" is defined as: (1) that time spent ~~*checking*~~ *reviewing* applicant-initiated revisions to plans ~~*regardless of their*~~ *that do not* effect ~~*on*~~ *the* valuation, ~~*or*~~ scope ~~*and*~~ *or* size of the project; or (2) any additional plan ~~*check*~~ *review* performed on required ~~*revisions*~~ *corrections* to plans ~~*subsequent to the initial revision submittal*~~ *beyond the standard review process, as determined by the Building Official. Plan review required for applicant-initiated revisions effecting valuation, scope, or size or project may be assessed a new plan review fee in addition to the initial plan review fee as determined by the Building Official.*

TABLE 1A-C –PLUMBING/*MECHANICAL* PERMIT *ISSUANCE AND INSPECTION* FEES

A) Permit applicants shall show a complete itemization of the proposed scope of work and select the appropriate fee category

B) A separate permit is required for each structure, condominium unit, existing apartment unit, high-rise office floor, suite, or tenant space

C) Standard hourly issuance/inspection rates will apply for installations not covered by the fee categories below

D) Fees shall be paid in full prior to approval for occupancy, job card signature, gas tags, or final signoff, as applicable.

E) See Table 1A-R for refund policy

1. Permit ~~*fees by category*~~*Issuance Fees by Category:*

~~*A.*~~	~~*Plumbing permit issuance*~~	~~*$16.55*~~
~~*B.*~~	~~*Gas line permit issuance*~~	~~*$16.55*~~
~~*C.*~~	~~*Water line permit issuance*~~	~~*$16.55*~~
~~*D.*~~	~~*Mechanical equipment permit issuance*~~	~~*$16.55*~~
~~*E.*~~	~~*Installation, replacement or repair of each building sewer or sewer trap*~~	~~*$16.55*~~

CATEGORY 1P	*Single Residential Unit – water service, sewer replacement, single plumbing fixture installation, shower pan installation, or kitchen or bathroom remodels*	*$160.00*
CATEGORY 1M	*Single Residential Unit – mechanical gas appliance (furnace, hydronic heat, heat pump)*	*$150.00*
CATEGORY 2PA	*Plumbing installation for residential construction with 6 or less dwelling units or guest rooms; without underground plumbing installation (includes water, gas, waste, and vent)*	*$275.00*
CATEGORY 2PB	*Plumbing installation for residential construction with 6 dwelling units or guest rooms or less; with underground plumbing installation (includes water, gas, waste, and vent)*	*$400.00*

CATEGORY 2M	*Mechanical gas appliances for residential construction with 6 dwelling units or guest rooms or less*	*$240.00*
CATEGORY 3PA	*7 – 12 Dwelling Units*	*$575.00*
CATEGORY 3PB	*13 – 36 Dwelling Units*	*$1,150.00*
CATEGORY 3PC	*Over 36 Dwelling Units*	*$4,800.00*
CATEGORY 3MA	*7 – 12 Dwelling Units*	*$575.00*
CATEGORY 3MB	*13 – 36 Dwelling Units*	*$1,150.00*
CATEGORY 3MC	*Over 36 Dwelling Units*	*$4,800.00*
CATEGORY 4A	*Fire sprinklers – one and two family dwelling units*	*$150.00*
CATEGORY 4B	*Fire sprinklers – 3 or more dwelling units or guest rooms, commercial and office –per floor*	*$250.00*
CATEGORY 5P/5M	*Office, mercantile & retail buildings: New or Tenant Improvements; heating/cooling equipment to piping connected thereto – per tenant or per floor, whichever is less.*	*$325.00*

CATEGORY 6PA	*Restaurants (New and Remodel) fee includes 5 or less drainage and or gas outlets – no fees required for public or private restroom*	*$311.00*
CATEGORY 6PB	*Restaurants (New and Remodel) fee includes 6 or more drainage and/or gas outlets- no fees required for public or private restroom*	*$880.00*
CATEGORY 8	*New Boiler installations over 200kbtu*	*$275.00*
CATEGORY 9P/M	*Surveys*	*$300.00*
CATEGORY 10P/M	*Condominium Conversions*	*$365.00*
BOILER MAINTENANCE PROGRAM	*(Permit to Operate-PTO)* *See Table 1A-M – Boiler Fees for additional boiler-related fees.* ~~A permit may include more than one category, and each category will be charged separately. (e.g., plumbing permit + gas line permit = $33.10)~~	*$52.00 EACH*
2.	Standard inspection fees	*Hourly Inspection Rate*
	~~For each inspection, r~~*R*einspection or additional inspection *per SFBC Section 108A.8*	~~$80.00~~

A permit may include more than one category, and each category will be charged separately.

TABLE 1A-D – ~~*RESERVED*~~ *STANDARD HOURLY RATES*

1. Plan Review	*$187.00 per hour*
2. Inspection	*$170.00 per hour*
3. Administration	*$104.00 per hour*

TABLE 1A-E ELECTRICAL PERMIT *ISSUANCE AND INSPECTION* FEE~~S~~ *SCHEDULE*

~~*1. Standard permit issuance fee $27.50*~~

~~*2. Standard inspection fees*~~

~~*For each inspection, reinspection or additional inspection required $80.00*~~

1~~*3*~~. Permit ~~*and inspection*~~ fees by categories:

A. *Permit applicants shall itemize the proposed scope of work and select the appropriate category and fee amount*

B. Separate electrical permits are required for each structure, condominium unit, existing apartment unit, high-rise office floor, suite, or tenant space

C. Standard hourly permit issuance and inspection rates shall apply for installations not covered by this fee schedule

D. Fees shall be paid in full prior to: occupancy approval, job card signature, permission to energize, or final signoff, as applicable.

E. An Outlet is defined as a point on the wiring system at which current is taken to supply utilization equipment. For the purpose of this fee schedule, utilization equipment shall include: controllers, fixed *appliances, luminaires (lighting fixtures) motors, panelboards, receptacles, switches, and service equipment*

F. See Table 1A-R for refund policy.

Category 1

General Wiring: Residential Buildings

~~*10 outlets or less*~~	~~*$160.00*~~
11 to 20 outlets	*$240.00*
21 to 40 outlets	*$300.00*
41 outlets or more	*$420.00*
Buildings of 5,000 to 10,000 sq. ft. area	*$600.00*

Category 2

General Wiring: Nonresidential Buildings & Residential Buildings over 10,000 sq. ft

10 outlets or less	*$240.00*
6 to 20 outlets	*$360.00*
21 outlets or more in areas up to 2,500 sq. ft	*$480.00*
2,501 to 5,000 sq. ft	*$720.00*
5,001 to 10,000 sq. ft	*$1,200.00*
10,001 to 30,000 sq. ft.	*$2,400.00*
30,001 to 50,000 sq. ft.	*$4,800.00*
50,001 to 100,000 sq. ft	*$7,200.00*
100,001 to 500,000 sq. ft	*$14,400.00*
500,001 to 1,000,000 sq. ft	*$32,400.00*
1,000,000 sq. ft. or more	*$64,800.00*

Category 3

Retrofit Service and Distribution Equipment, Emergency, Legally required, and Stand-by Generator Systems, Utilization Equipment and Separately Derived Systems that are not part of Categories 1 or 2 (includes two inspections)

225 amps rating or less	*$240.00*
250 to 500 amps	*$360.00*
600 to 1000 amps	*$480.00*
1,200 to 2,000 amps	*$720.00*
More than 2,000 amps	*$960.00*
600 volts or more	*$960.00*
150kva rating or less	*$240.00*
151kva or more	*$480.00*
Fire Pump and generator installations	*$480.00*

Category 4

Retrofit Fire Warning and Emergency Systems

Building systems for 3 floors or less	*$480.00*
4 - 9 floors	*$1,440.00*
10 - 25 floors	*$2,400.00*
25 floors or more	*$7,200.00*

Category 5

Data, Communications, and Wireless Systems

10 cables or less	*Exempt*
11 to 500 cables	*$170.00*
Each additional group of 100 cables	*$25.00*

Category 6

Miscellaneous Installations

Office Workstations, 5 or less	*$170.00*
Each additional group of 10 workstations	*$50.00*
Temporary Exhibition Wiring, 1 to 100 booths	*$240.00*
Each additional group of 10 booths	*$25.00*
Exterior Electrical Sign	*$170.00*
Interior Electrical Sign	*$170.00*
Each Additional Sign, at the same address	*$40.00*
Quarterly Permits (includes one inspection)	*$375.00*
Maximum five outlets in any one location	
Survey Inspection and Report, per hour or fraction thereof	*$170.00*
Witness Testing: life safety, fire warning, emergency, and energy management systems	
One-hour minimum	*$170.00*
Additional hourly rate	*$170.00*
Off-hour inspections: two hour minimum	*$340.00*
Additional off-hourly rate	*$170.00*
Security Systems, 10 components or less	*$170.00*
Each additional group of 10 components	*$10.00*
Includes installations and devices that interface with life safety system	
Energy Management, HVAC, and Low-Voltage Wiring Systems	
1 - 10 floors	*$480.00*
Each additional floor	*$50.00*
Solar Photovoltaic Systems	
10KW rating or less	*$170.00*

Each additional 10kw *$100.00*

Standard Hourly Inspection Rate *See Table 1A-D*

~~*Residential installations where area of work is less than 10,000 square feet (929.3 m2) (new construction and alterations).*~~

~~*20 openings or less (includes permit issuance fee and 1 inspections) $65.25*~~

~~*21 openings or more*~~

~~*(includes permit issuance fee and 2 inspections) $226.00*~~

~~*B. Commercial installations where area of work is less than 10,000 square feet (929.3 m2) (new constructi*~~

~~*and alterations).*~~

~~*5 openings or less (includes permit issuance fee and 1 inspections) $ 91.25*~~

~~*6 openings or more (includes permit issuance fee and 2 inspections) $226.00*~~

~~*C. Residential and commercial installations where area of work is 10,000 square feet (929.3 m2) or more (new construction and alterations). The work may include building shell and core, tenant improvements, or both.*~~

~~*10,000 square feet (929.3 m2) up to30,000 square feet (2,787.9 m2)*~~

~~*(includes permit issuance fee and 4 inspections) $1,026.00*~~

~~*Over 30,000 square feet (2,787.9 m2)(includes permit issuance fee*~~

~~*and 8 inspections. $5,026.00*~~

~~*Inspections include preconstruction and occupancy coordination meetings, inspections of the work and on*~~

~~*life safety coordination meeting. Meetings may be on-site or off site within the City and County of San*~~

~~Francisco.)~~

~~D. Quarterly permits in commercial occupancies. For minor alterations of existing commercial electrical systems, where work consists of not more than 6 openings in any one location, to be prepaid in advance of any quarter. If no work is installed, the quarterly permit base fee is allowed to roll over once to the next quarter. Includes 1 inspection.~~

~~Quarterly permit base fee~~	~~$65.25~~
~~Additional to base fee, less than 6 openings~~	~~$91.25~~
~~Additional to base fee, 6 openings or more~~	~~$226.00~~

~~E. Systems: new or retrofit. Includes permit filing fee and one inspection. Covers replacement or upgrade of existing systems. This category also includes new systems installations in existing buildings, structures or properties. This category also includes service installations, transformers, busways, overcurrent protection devices, motors and large draw electrical utilization equipment (for which the name plate amperage rating will determine the fee). This category is limited to these systems only. Other electrical installation work shall be charged according to Category A to C above.~~

~~Generators or uninterrupted power supplies (UPS) over 100 kw, each~~	~~$400.00~~
~~Fire pumps, each~~	~~$200.00~~
~~HVAC, 5 pieces of equipment or less~~	~~$91.25~~
~~Distribution and utilization equipment, per system:~~	
~~0 to 800 amps~~	~~$91.25~~

~~Over 800 to 1,600 amps~~	~~$200.00~~
~~Over 1,600 amps~~	~~$1,000.00~~

~~F. Witness inspections (any installation required as a result of witness inspections shall require a separate permit).~~

~~Survey: base minimum $160.00~~

~~Written survey report $97.50~~

~~Witness inspections:~~

~~Life safety, generator, fire warning, fire pump or other~~

~~Base minimum (2 hours) $160.00~~

~~Each additional hour or fraction thereof $80.00~~

~~G. Electric signs (includes permit issuance fee and one inspection).~~

~~Exterior signs, each $46.75~~

~~Interior signs, each $39.00~~

~~H. Residential garage door operator (includes permit issuance fee and one on-site inspection).~~

~~Electrically operated residential garage door operator $30.00~~

~~Additional garage door operator at the same address, each $2.60~~

~~I. Exhibition wiring (includes permit issuance fee and one on-site inspection).~~

~~1 to 100 booths or openings $62.00~~

~~101 to 200 booths or openings $91.25~~

~~Over 200 booths or openings $226.00~~

2. Standard inspection fees

For each inspection, reinspection or additional inspection required, per SFBC Section 108A.8

$ 170.00, hourly rate

TABLE 1A-F – SPECIALTY PERMIT FEES

1. Bleachers ~~*permit fee*~~ *Permit Fee* ~~*table*~~:	*See Table 1A-A for New Construction Fees*
~~*Permanent bleachers*~~	
~~*Temporary bleachers:*~~	
~~*— 0 to 1,000 seats or fraction thereof*~~	~~*$21.75*~~
~~*— Each additional 1,000 seats or fraction thereof*~~	~~*$10.75*~~
2. Chimney and flue ~~*permit*~~ *Permit Fee*:	~~*$80.00*~~ *See Table 1A-A for New Construction Fees*
~~*Each chimney or flue*~~	~~*$15.25*~~
3. Demolition ~~*permit fee*~~ *Permit Fee* ~~*table*~~:	*See Table 1A-A for New Construction Fees*
~~*Construction Type II-1-Hr., II-N, or V*~~	~~*$29.95 per 25-foot section or fraction thereof, per each story*~~
~~*All other construction types*~~	~~*$44.90 per 25-foot section or fraction thereof, per each story*~~
~~*If no frontage or more than 1, use shortest side of building for determination.*~~	
4. Extra permit work:	2 times the standard fees for work remaining to be done or not covered in original permit scope
5. Garage door permit~~*s*~~ *Fee*:	

Each garage door in an existing building *~~fee~~*	*~~$10.75~~* *$160.00*
6. Grading *~~permit~~* *Permit Fee*:	*See Table 1A-A for New Construction Fees*
7. House moving *~~permit fee~~* *Permit Fee*:	*~~$123.00~~* *Standard Hourly Inspection Rate – Minimum 3 Hours*
8. Recommencement of work not completed:	*Standard Inspection Fee per Table 1A-G; See also Table 1A-B – Commencement of Work Not Started*
~~Standard inspection fee per Table 1-G~~	
~~See also Table 1-B – Commencement of Work Not Started~~	
9. Re-roofing *~~permit~~* *Permit Fee*:	*~~$68.50~~* *$160.00 for Single-Family homes and duplexes* *$240.00 for all others.*
10. Strong Motion Instrumentation *Program* Fee:	
Group R Occupancies of 3 stories or less, except hotels and motels	0.00013 times the valuation
Hotels and motels, all buildings greater than 3 stories, all occupancies other than Group R	0.00024 times the valuation
Minimum fee	$1.60
11. Subsidewalk construction *~~and use permit fee~~* *Permit Fee*:	
Construction	*See Table 1A-A for New Construction Fees*
~~Use permit, each separate street frontage~~	*~~$27.25~~*

	~~*Street space deposit*~~	~~*$41.50 per frontage foot*~~
12.	Construction of impervious surface in front and setback area	~~*$100.00*~~ *$160.00*

TABLE 1A-G – INSPECTIONS, SURVEYS AND REPORTS

1.	Standard Hourly ~~*inspection fee*~~ *Rate*	~~$80.00~~ *See Table 1A-D*
2.	Off-hours inspection	~~*1.5 times the standard hourly inspection fee, 2-hour minimum*~~ *One and One-half Times the Standard Hourly Inspection Rate – Minimum Two Hours*
3.	Pre-application inspection	~~*2 times the standard hourly inspection fee*~~*Standard Hourly Inspection Rate – Minimum Two Hours*
4.	Re-inspection fee	~~*Standard hourly inspection fee*~~ *Standard Hourly Inspection Rate*
5.	Report of residential records (3R)	~~*$50.00*~~ *$160.00*
6.	Survey of nonresidential buildings:	~~*Minimum fee is 2 times the standard hourly inspection fee for the first hour or fraction thereof per inspector. The standard hourly inspection fee is charged per hour or fraction thereof after the first 2 hours, not to exceed $2,725.80.*~~ *Standard Hourly Inspection Rate – Minimum Two Hours*
7.	Survey of residential buildings *for any purpose or Condo Conversions:*	
	Single ~~*family dwelling*~~ *unit*	~~*$409.75*~~ *$1,750.00*
	Two *to four* ~~*family dwelling*~~ *units*	~~*$409.75*~~ *$2,300.00*
	Five + units	*$2,300.00 plus Standard Hourly Inspection Rate*
	~~*Apartment houses:*~~	
	~~*3 units*~~	~~*$476.70*~~

~~*4 to 10 units*~~	~~*$476.70 plus $60.40 per unit over 3*~~
~~*11 to 20 units*~~	~~*$896.70 plus $45.40 per unit over 10*~~
~~*21 to 40 units*~~	~~*$1,351.00 plus $29.95 per unit over 20*~~
~~*41 or more units*~~	~~*$1,951.00 plus $14.70 per unit over 40*~~

Hotels:

Includes 10 guestrooms	~~*$518.70*~~ *$1,750.00*
11 to 20 guestrooms	~~*$518.70*~~ *$2,300.00* plus ~~*$21.80*~~ *$42.50* per guestroom over ~~*10*~~ *11*
~~*21 to 40 guestrooms*~~	~~*$737.00 plus $15.25 per guestroom over 20*~~
~~*41 or more guestrooms*~~	~~*$1,043.00 plus $8.15 per guestroom over 40*~~
8. Temporary ~~*certificate of occupancy*~~ *Certificate of Occupancy*	~~*Standard hourly inspection fee*~~ *Standard Hourly Inspection Rate – Minimum Two Hours*

TABLE 1A-H – SIGN PERMIT FEES

Nonelectric and electric ~~*minimum*~~ sign permit fee ~~*$21.50*~~ *See Table 1A-A for New Construction Fees*

~~*TYPE OF SIGN*~~	~~*AREA LIMITS*~~		~~*FEE*~~
	~~*square feet*~~	~~*m^2*~~	
~~*Building mounted:*~~			
	~~*Up to 50*~~	~~*Up to 4.65*~~	~~*$22.50*~~
	~~*51 to 100*~~	~~*4.74 to 9.29*~~	~~*$22.50 plus $2.65 per each additional 10 square feet (0.929 m^2) or fraction thereof over 50 square feet (4.65 m^2)*~~
	~~*101 to 200*~~	~~*9.38 to 18.6*~~	~~*$36.25 plus $3.40 per each additional 20 square feet (1.86 m^2) or fraction thereof over 100 square*~~

			~~*feet (9.29 m^2)*~~
-	~~*201 to 400*~~	~~*18.7 to 37.2*~~	~~*$53.50 plus $3.95 per each additional 50 square feet (4.65 m^2) or fraction thereof over 200 square feet (18.6 m^2)*~~
-	~~*Over 400*~~	~~*>37.2*~~	~~*$69.50*~~
~~*Ground sign:*~~			
-	~~*Up to 100*~~	~~*<9.29*~~	~~*$22.50*~~
-	~~*101 to 600*~~	~~*9.38 to 55.7*~~	~~*$22.50 plus $3.95 per each additional 20 square feet (1.86 m^2) or fraction thereof over 100 square feet (9.29 m^2)*~~
-	~~*Over 600*~~	~~*>55.7*~~	~~*$108.00*~~

~~*Standardized signs: 50% of the applicable fee above, but not less than the minimum fee.*~~

NOTE: See also Table 1A-E for required Electrical Sign Permits and Inspections

TABLE 1A-J – MISCELLANEOUS FEES

1.	Central Permit Bureau ~~*fee for processing permit applications*~~ *Processing Fee for Miscellaneous Permits from other disciplines*	~~*$20.00*~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
2.	Building numbers (each entrance)	~~*$16.55*~~ *$210.00*
3.	Extension of time: application cancellation and permit expiration:	
	Each application extension	~~*$32.80*~~ *$160.00 plus 20% of All Plan Review Fees*
	Each permit extension	~~Standard inspection fee~~ *$160.00 plus 10% of All Permit Issuance Fees*
	~~*Each inspection performed during the extension period*~~	~~*Standard inspection fee*~~
4.	Product approvals:	

General approval - initial or reinstatement	~~*$137.05*~~ *Standard Hourly Plan Review Rate – Minimum Three Hours*
General approval - modification or revision	~~*$47.80*~~ *Standard Hourly Plan Review Rate – Minimum Three Hours*
General approval - biannual renewal	~~*$68.50*~~ *Standard Hourly Plan Review Rate – Minimum Three Hours*

TABLE 1A-K – PENALTIES, HEARINGS, CODE ENFORCEMENT ASSESSMENTS

1.	Abatement Appeals Board hearing, filing fee	~~*$54.60*~~ *$ 170.00* per case
2.	Board of Examiners filing fees:	
	Each appeal for variance from interpretation of code requirements	~~*$95.05*~~ *Standard Hourly Plan Review Rate – Minimum Two Hours*
	Each appeal for approval of substitute materials or methods of construction	~~*$238.60*~~ *Standard Hourly Plan Review Rate – Minimum Four Hours*
3.	Building Official's abatement orders	~~*$55.90 per hour or fraction thereof*~~ *Standard Hourly Plan Review Rate – Minimum Two Hours*
4.	Emergency order	~~*$44.90 per hour or fraction thereof*~~ *Standard Hourly Plan Review Rate – Minimum Two Hours*
5.	Exceeding the scope of the approved permit	2 times the permit *Issuance* fee
6.	Access Appeals Commission:	
	Filing fee	~~*$350.00*~~ *Standard Hourly Plan Review Rate – Minimum Two Hours* per appeal
	Request for a rehearing	~~*$100.00*~~ *Standard Hourly Plan Review Rate – Minimum Two Hours*
7.	Lien recordation charges	~~*$126.80*~~ *$187.00* or 10 percent of the amount of the unpaid balance, including interest, whichever is

		greater
8.	Work without permit: investigation fee:	
	Building, Electrical, Plumbing or Mechanical Code violations	9 times the ~~*applicable*~~ *Permit Issuance Fee* ~~*fee*~~ plus the original permit fee
9.	Building Inspection Commission hearing fees:	
	Notice of appeal	~~*$100.00*~~ *Standard Hourly Plan Review Rate – Minimum Four Hours*
	Request for jurisdiction	~~*$100.00*~~ *Standard Hourly Plan Review Rate – Minimum Four Hours*
	Request for rehearing	~~*$100.00*~~ *Standard Hourly Plan Review Rate – Minimum Two Hours*
10.	Additional Hearings required by Code	*Standard Hourly Plan Review Rate – Minimum Four Hours*

TABLE 1A-L – PUBLIC INFORMATION

1.	Public notification and record keeping fees:	
	Structural addition notice	~~*$16.55*~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
	Affidavit record maintenance	~~*$7.10*~~ *15.00*
	Posting of notices (change of use)	~~*$24.40*~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
	Requesting notice of permit issuance (each address) *per year*	~~*$34.40*~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
	30-inch by 30-inch (762 mm by 762 mm) sign	~~*$13.65*~~ *$15.00*
2.	Demolition:	

	Notice of application and permit issuance by area/interested parties:	
	1 area *(1 area = 2 blocks)*	~~$41.50~~ *104.00* per annum
	~~Multiple areas~~	~~$123.40 per annum~~
3.	Notices:	
	300-foot (91.44 m) notification letters ~~*at filing*~~	~~$65.90~~ *Standard Administration Hourly Rate – Minimum One and One-Half Hour*
	Residential tenants notification	~~$36.75~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
	~~*300-foot (91.44 m) notification letters at issuance*~~	~~$48.85~~
4.	Reproduction and dissemination of public information:	
	Certification of copies:	
	1 to 10 pages	~~$7.10~~ *$15.00*
	Each additional 10 pages or fraction thereof	~~$1.60~~ *$3.50*
	Electrostatic reproduction:	
	Each page photocopy	~~$0.10~~ *$0.15*
	35mm duplicards from roll film	~~$1.60~~ *$3.50*
	Microfilm hard copy prints:	
	8 1/2 inch by 11 inch (215.9 mm by 279.4 mm) copy from 16mm roll film	~~$1.60~~ *$3.50*

24 inch by 18 inch (609.6 mm by 457.2 mm) copy from 35mm roll film	~~*$2.65*~~ *$5.00*
"Half-sized" copy from 35mm roll film	~~*$3.15*~~ *$6.00*
8 1/2 inch by 11 inch (215.9 mm by 279.4 mm)copy from 16mm frame in aperture card or microfiche jacket	~~*$1.05*~~ *$3.00*
Minimum microfilm reproduction charge	~~*$3.70*~~ *$6.50*

5. Replacement of approved construction documents:

Each sheet of plans	~~*$4.20*~~ *$5.25*
Each 50 pages of specifications or fraction thereof	~~*$7.10*~~ *$15.00*

6. Records Retention Fee (per page of Plans) $2.00

TABLE 1A-M – BOILER FEES

Permit to install or replace	~~*$190.00*~~ *See Table 1A-C – Category 8*
Permit to operate (certificate issued)	~~*$35.00*~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
Renew permit to operate (certificate issued)	~~$35.00~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
Replacement of issued permit to operate	~~$35.00~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
Notice of apparent violation	~~*(No fee)*~~
~~*Notice of violation*~~	~~*$100.00*~~
~~*Administrative hearing*~~	~~*$500.00*~~

Connection to utility company provided steam (includes permit to operate)	~~$35.00~~ *Standard Administration Hourly Rate – Minimum One-Half Hour*
Boiler Maintenance Program	*$ 52.00*

Renewal required:

1. Low-pressure boilers every 12 months. (See definition of low-pressure boilers in Chapter *2*.)
2. Water heaters when alteration or replacement permits are issued.

TABLE 1A-Q – HOTEL CONVERSION ORDINANCE FEES

	Annual unit usage report	$54.60
1.	Appeal of initial or annual status determination:	Standard inspection ~~fee~~ *Hourly Rate* pursuant to Section 110A of this code shall apply for Department Inspector's work on such request plus fees for Hearing Officer
2.	Challenge to claims of exemption:	
	Usage report	$17.85
	Claim of exemption based on low-income housing	$215.50
	Claim of exemption based on partially completed conversion	$431.05
3.	Complaint of unlawful conversion	$17.85
	Determination by Department of Real Estate and cost of independent appraisals	$1,021.90
4.	Initial unit usage report	$215.50
5.	Permit to convert	$362.25
6.	Request for hearing to exceed 25% tourist season rental limit:	

Inspection staff review - standard hourly inspection fee	~~*$80.00*~~ *Standard Inspection Hourly Rate*
Statement of exemption - Hearing Officer fee	$215.50

7. Unsuccessful challenge:

Usage report:

Inspection staff review - standard hourly inspection fee	~~*$80.00*~~ *Standard Inspection Hourly Rate*
Statement of exemption - Hearing Officer fee	$215.50

Request for winter rental:

Standard hourly inspection fee	~~*$80.00*~~ *Standard Inspection Hourly Rate*

TABLE 1A-R – REFUNDS

Partial or complete refunds of only those fees contained herein will be given, provided the applicant meets the refund requirements of the applicable section of this code. No other fees are refundable, except as follows:

1. ~~*Permit or inspection fees:*~~ *Application or Permit Issuance Fee:*

Building ~~permit~~*, plumbing, electrical or mechanical* permit *issuance fee*	Amount paid less ~~*$80.00*~~ *50% or $160.00, whichever is greater.*
~~*Demolition permit*~~	~~*Amount paid less $80.00*~~
~~*Grading permit*~~	~~*Amount paid less $80.00*~~
Plan ~~*review*~~ *Review Fees (each)*	Amount determined by the Building Official less ~~*$27.30*~~ *$160.00 No Refund due after*

		application deemed acceptable for Department of Building Inspection Plan Review
2.	*~~Combination permit and inspection fees~~: Miscellaneous Fees:*	*Amount paid less $52.00*
-	*~~Electrical permit/inspection~~*	*~~Amount paid less $80.00~~ No refunds less than $52.00*
-	*~~Plumbing permit/inspection~~*	*~~Amount paid less $80.00~~*
-	*~~Mechanical permit/inspection~~*	*~~Amount paid less $80.00~~*

If the Building Official determines that an error has been made in the assessment of fees, a refund for the portion determined to be in error may be made upon written request by the applicant.

TABLE 1A-S – UNREINFORCED MASONRY BEARING WALL BUILDING RETROFIT

Review of Inventory Form (Section 1604B.2.1)	*~~$80.00~~ Standard Plan Review Hourly Rate – Minimum Two Hours*
Review of the summary of the engineering report (Section 1604B.2.3)	*~~$160.00~~ Standard Plan Review Hourly Rate – Minimum Two Hours*
UMB Appeals Board filing fees (Section 105A7.4):	
Each appeal for a variance from or interpretation of code requirements	*~~$95.05~~ Standard Plan Review Hourly Rate – Minimum Two Hours*
Each appeal for the approval of substitute materials or methods of design or construction (Section 105A.7.3)	*~~$238.60~~ Standard Plan Review Hourly Rate – Minimum Four Hours*

Section 3. This Section is uncodified. The fees set forth herein shall apply to all permits and permit applications that have not been deemed acceptable for building plan

review by the Department of Building Inspection on or after the effective date of this Ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
John D. Malamut
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080719 **Date Passed:**

Ordinance amending the Building Code to amend various sections and fee schedule tables to adjust fees or permits, inspections, and other actions.

May 30, 2008 Board of Supervisors — SUBSTITUTED

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080719

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·18·08
Date Approved

Mayor Gavin Newsom

FILE NO. 080663 ORDINANCE NO. 123-08

[San Francisco General Hospital and Trauma Center General Obligation Bond Election.]

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 4th 2008, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $887,400,000 for the building and/or rebuilding and improving of the earthquake safety of the San Francisco General Hospital and Trauma Center and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; adopting findings under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving

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SAN FRANCISCO
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the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

A. In 1994 the California legislature approved Senate Bill 1953 ("SB 1953"), which required hospitals to meet progressively higher levels of seismic safety beginning in January 2002.

B. This Board of Supervisors (this "Board") recognizes the need to build a new, seismically safe acute care hospital at the San Francisco General Hospital and Trauma Center ("SFGH") to comply with the requirements of SB 1953 and to implement the San Francisco General Hospital Seismic Compliance Hospital Replacement Program (the "Project"), as more particularly described in the Final Environmental Impact Report ("FEIR") for the Project.

C. The Project and its associated costs are identified as the top priority in the City's 10-year capital plan, which reviews the safety and seismic needs of City-owned buildings and property in the City and is approved each year by the Mayor of the City and the Board.

D. This Board now wishes to describe the terms of a ballot measure seeking approval for the issuance of general obligation bonds (the "Bonds") to finance all or a portion of the Project described above.

Section 2. A special election is called and ordered to be held in the City on Tuesday, the 4th day of November, 2008, for the purpose of submitting to the electors of the City a proposition to incur bonded indebtedness of the City for the Project described in the amount and for the purposes stated:

"SAN FRANCISCO GENERAL HOSPITAL AND TRAUMA CENTER EARTHQUAKE SAFETY BONDS, 2008. $887,400,000 of bonded indebtedness to ensure the availability of San Francisco General Hospital and Trauma Center in the event of a natural disaster or emergency, by building and/or rebuilding and improving the earthquake safety of the hospital and to pay related costs necessary or convenient for the foregoing purposes, subject to independent oversight and regular audits; and authorizing landlords to pass-through to residential tenants in units subject to Chapter 37 of the San Francisco Administrative Code (the "Residential Stabilization and Arbitration Ordinance") 50% of the increase in the real property taxes attributable to the cost of the repayment of the bonds.

The special election called and ordered shall be referred to in this ordinance as the "Bond Special Election."

Section 3. The estimated cost of the bond financed portion of the project described in Section 2 above was fixed by the Board by the following resolution and in the amount specified below:

Resolution No. ________, $887,400,000.

Such resolution was passed by two-thirds or more of the Board and approved by the Mayor of the City (the "Mayor"). In such resolution it was recited and found by the Board that the sum of money specified is too great to be paid out of the ordinary annual income and revenue of the City in addition to the other annual expenses or other funds derived from taxes levied for those purposes and will require expenditures greater than the amount allowed by the annual tax levy.

The method and manner of payment of the estimated costs described in this ordinance are by the issuance of bonds of the City not exceeding the principal amount specified.

Such estimate of costs as set forth in such resolution is adopted and determined to be the estimated cost of such bond financed improvements and financing, as designed to date.

Section 4. The Bond Special Election shall be held and conducted and the votes received and canvassed, and the returns made and the results ascertained, determined and declared as provided in this ordinance and in all particulars not recited in this ordinance such election shall be held according to the laws of the State of California (the "State") and the Charter of the City (the “Charter”) and any regulations adopted under State law or the Charter, providing for and governing elections in the City, and the polls for such election shall be and remain open during the time required by such laws and regulations.

Section 5. The Bond Special Election is consolidated with the General Election scheduled to be held in the City on Tuesday, November 4, 2008. The voting precincts, polling places and officers of election for the November 4, 2008 General Election are hereby adopted, established, designated and named, respectively, as the voting precincts, polling places and officers of election for the Bond Special Election called, and reference is made to the notice of election setting forth the voting precincts, polling places and officers of election for the November 4, 2008 General Election by the Director of Elections to be published in the official newspaper of the City on the date required under the laws of the State of California.

Section 6. The ballots to be used at the Bond Special Election shall be the ballots to be used at the November 4, 2008 General Election. The word limit for ballot propositions imposed by San Francisco Municipal Elections Code Section 510 is waived. On the ballots to be used at the Bond Special Election, in addition to any other matter required by law to be printed thereon, shall appear the following as a separate proposition:

"SAN FRANCISCO GENERAL HOSPITAL AND TRAUMA CENTER EARTHQUAKE SAFETY BONDS, 2008. To ensure the availability of San Francisco General Hospital and Trauma Center in the event of a natural disaster or emergency, by building and/or rebuilding and improving the earthquake safety of the hospital and to pay related costs necessary or convenient for the foregoing purposes, shall the City and County of San Francisco issue $887,400,000 in general obligation bonds subject to independent oversight and regular audits?"

Each voter to vote in favor of the issuance of the foregoing bond proposition shall mark the ballot in the location corresponding to a "YES" vote for the proposition, and to vote against the proposition shall mark the ballot in the location corresponding to a "NO" vote for the proposition.

Section 7. If at the Bond Special Election it shall appear that two-thirds of all the voters voting on the proposition voted in favor of and authorized the incurring of bonded indebtedness for the purposes set forth in such proposition, then such proposition shall have been accepted by the electors, and bonds authorized shall be issued upon the order of the Board. Such bonds shall bear interest at a rate not exceeding applicable legal limits.

The votes cast for and against the proposition shall be counted separately and when two-thirds of the qualified electors, voting on the proposition, vote in favor, the proposition shall be deemed adopted.

Section 8. For the purpose of paying the principal and interest on the bonds, the Board shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until such bonds are paid, or until there is a sum in the Treasury of said City, or other account held on behalf of the Treasurer of said City, set apart for that purpose to meet all sums coming due for the principal and interest on the bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal.

Section 9. This ordinance shall be published in accordance with any State law requirements, and such publication shall constitute notice of the Bond Special Election and no other notice of the Bond Special Election hereby called need be given.

Section 10. The Board finds and declares that in accordance with the actions contemplated in this ordinance, this Board, in approving Resolution No. _____, including the Attachment A and Exhibit 1 to Attachment A, adopted findings for the Project pursuant to the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations, ("CEQA Findings"). The CEQA Findings for the Project are on file with the Clerk of the Board in File No. ___________ and are incorporated into this ordinance by this reference.

Section 11. The Board finds and declares that the proposed Project is (i) in conformity with the priority policies of Section 101.1(b) of the City Planning Code, (ii) in accordance with Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the City Administrative Code, and (iii) consistent with the City's General Plan, and adopts the findings of the City

Planning Department, as set forth in the General Plan Referral Report, dated July ________, 2008, a copy of which is on file with the Clerk of the Board in File No. __________ and incorporates said findings by reference.

Section 12. Under Section 53410 of the California Government Code, the bonds shall be for the specific purpose authorized in this ordinance and the proceeds of such bonds will be applied only to the Project. The City will comply with the requirements of Sections 53410(c) and 53410(d) of the California Government Code.

Section 13. The Bonds are subject to, and incorporate by reference, the applicable provisions of San Francisco Administrative Code Sections 5.30 – 5.36 (the "Citizens' General Obligation Bond Oversight Committee"). Under Section 5.31 of the Citizens' General Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of one percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund established by the Controller's Office and appropriated by the Board of Supervisors at the direction of the Citizens' General Obligation Bond Oversight Committee to cover the costs of such committee.

Section 14. The time requirements specified in Section 2.34 of the San Francisco Administrative Code are waived.

Section 15. The appropriate officers, employees, representatives and agents of the City are hereby authorized and directed to do everything necessary or desirable to accomplish the calling and holding of the Bond Special Election, and to otherwise carry out the provisions of this ordinance.

Section 16. Documents referenced in this ordinance are on file with the Clerk of the Board of Supervisors in File No.   , which is hereby declared to be a part of this ordinance as if set forth fully herein.

APPROVED AS TO FORM:
DENNIS J. HERRERA,
City Attorney

By: Kenneth David Roux
Kenneth David Roux
Deputy City Attorney

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 080663 **Date Passed:**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 4th 2008, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $887,400,000 for the building and/or rebuilding and improving of the earthquake safety of the San Francisco General Hospital and Trauma Center and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; adopting findings under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

July 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

July 22, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080663

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 22, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7/24/08
Date Approved

Mayor Gavin Newsom
Acting Mayor

FILE NO. 080512 ORDINANCE NO. 124-08

[Hunters Point Shipyard – Street Vacation Order.]

Ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and Donahue Street in Hunters Point Shipyard Parcel "A1"and all of Navy Road in Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcels A1 and A2; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for a City combined sewer line and facilities; accepting Department of Public Works Order No. 177,478; and authorizing official acts in connection with this Ordinance.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) On ___________________, the Board of Supervisors adopted Resolution No. _____________, a copy of which is on file with the Clerk of the Board of Supervisors in File No. ______________, being a Resolution declaring its intention to order the vacation of portions of Innes Avenue, Galvez Street, and Donahue Street in Hunters Point Shipyard Parcel "A1" and all of Navy Road in Hunters Point Shipyard Parcel "A2", and any public service easements that may exist between the vacated areas in Parcel "A1" and "A2 as described in Ordinance No. 24-05; reserving a non exclusive sewer easement on behalf of the City for the existing combined sewer line and facilities along Navy Road within the aforementioned location of the

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Hunters Point Shipyard (collectively, the "Vacation Area"). The Vacation Area has not been modified since adoption of the abovementioned Resolution. The location and extent of the Vacation Area is shown on the Department of Public Works' SUR Map Nos. 5008, 6008, 7008 and 8008, dated April 8 ________, 2008, copies of such maps are on file with the Clerk of the Board of Supervisors in File No. 080512 ________ and are incorporated herein by reference.

(b) The Clerk of the Board of Supervisors did transmit to the Director of the Department of Public Works a certified copy of the Resolution of Intention, and the Director of the Department of Public Works did cause notice of adoption of such Resolution to be posted and published in the manner required by law.

(c) When such matter was considered as scheduled by the Board of Supervisors at its regular meeting held in the City Hall, San Francisco, on ________________________, 2008, beginning at approximately 4:00 P.M., the Board heard all persons interested in such vacation.

(d) The vacation of the Vacation Area is part of an action to implement the Hunters Point Shipyard Redevelopment Plan.

(e) In accordance with the actions contemplated herein, this Board adopted Resolution No. 751-04, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 041533 and is incorporated herein by reference.

(f) On December 2, 2004, the City Planning Commission adopted Motion No. 16902 and determined that the proposed vacations and other actions contemplated herein are consistent with the General Plan and the priority policies of Planning Code Section 101.1. A copy of said Motion is on file with the Clerk of the Board of Supervisors in File No. 041535 and is incorporated herein by reference

(g) In a letter dated August 23, 2006 (the "Agency Letter"), the Redevelopment Agency found the vacation of the Vacation Area and other actions in furtherance thereof, are "consistent with Hunters Point Shipyard Redevelopment Plan, described therein, and recommends Board of Supervisors approval". A copy of the Agency Letter is on file with the Clerk of the Board of Supervisors in File No. 080512 and is incorporated by reference as though fully set forth herein. The Board of Supervisors adopts as its own the consistency findings of the Agency Letter.

(h) In DPW Order No. 177,478, dated March 24, 2008, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 080512, the Director of the Department of Public Works determined: (i) the Vacation Area is no longer necessary for the City's present or prospective future public street and sidewalk purposes, (ii) In accordance with Streets and Highways Code Section 892 and 8314, the right-of-ways and parts thereof proposed for vacation are no longer useful as a nonmotorized transportation facility, as defined in Section 887, because the design of Phase 1 of the Hunters Point Shipyard Redevelopment Plan contains new facilities for bicycle and pedestrian movement that are equal to or in excess of what may currently exist, (iii) the proposed quitclaim of public right-of-way is consistent with the Hunters Point Shipyard Redevelopment Plan, (iv) the value of such exchange for future public right-of-way and other public benefits is equal or in favor of the City, and (v) there are no physical public utility facilities within the Vacation Area except for a City combined sewer line within Navy Road. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No. 080512. The Board of Supervisors adopts as its own and incorporates by reference herein as if fully set forth, the recommendations of the Director of the Department of Public Works as set forth in DPW Order No. 177,478 concerning the vacation of the Vacation Area and other actions in furtherance thereof.

(i) The vacation of the Vacation Area is being taken pursuant to California Streets and Highways Code sections 8300 et seq. and Public Works Code section 787(a).

(j) From all the evidence submitted at the public hearing noticed in the Resolution No. ___________ and the associated materials on file with the Clerk of the Board in File No. ____________, the Board of Supervisors finds that the Vacation Area, as described in said Resolution, is no longer necessary for the City's use for public streets or as bicycle transportation facilities as defined in Streets and Highways Code Sections 890, et seq., subject to the reservations and conditions described in this Ordinance.

(k) The public interest, convenience and necessity require that the City reserve from the vacation of the Vacation Area solely for the benefit of City a non-exclusive sewer line easement in, upon, and over that certain portion of the Vacation Area, in which its in-place and functioning facilities are located, to the extent necessary to maintain, operate, repair and remove existing lines of pipe and other convenient structures, equipment and fixtures for the operation of City combined sewer line facilities, together with reasonable access to the foregoing facilities for the purposes set forth above. The public interest, convenience and necessity does not require that the City reserve from the vacation of the Vacation Area any other easements except as mentioned above; and,

(l) The public interest and convenience require that the vacation be done as declared in the Resolution No. _______.

Section 2. Except as set forth in Section 3 below, the Vacation Area, as shown on SUR Map No. 5008, 6008, 7008 and 8008 is hereby ordered vacated in the manner described in the Resolution No. ________, as modified herein, and pursuant to California Streets and Highways Code Sections 8300 et seq. and Public Works Code section 787(a).

Section 3. The vacation of the Vacation Area is conditioned upon the reservation of (i) a non-exclusive sewer easement for the benefit of the City, in, upon, and over that certain portion of the Vacation Area, in which its in-place and functioning facilities are located, to the extent necessary to maintain, operate, repair and remove existing lines of pipe, manholes, and other convenient structures, equipment and fixtures for the operation of City combined sewer line facilities, together with reasonable access to the foregoing facilities for the purposes set forth above and shall terminate with the dedication and acceptance of replacement facilities.

Section 4. Notwithstanding the provisions of Administrative Code Chapter 23, the Board of Supervisors hereby authorizes the Director of Property to execute a City quitclaim deed to the San Francisco Redevelopment Agency for the Vacation Area, including therein a reservation of a nonexclusive combined sewer line easement on behalf of the City subject to the terms and conditions set forth herein.

Section 5. The Board of Supervisors hereby directs the Clerk of the Board of Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner required by law. The Clerk of the Board also is hereby directed to transmit to the Director of Public Works a certified copy of this Ordinance so that this Ordinance may be recorded together with any other documents necessary to effectuate this Ordinance and the Hunters Point Shipyard Redevelopment Plan.

Section 6. The Mayor, Clerk of the Board, Director of Property, and Director of Public Works are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance (including, without limitation, the filing of the Ordinance in the Official Records of the City and County of San Francisco and confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the Vacation Area hereunder and confirmation of the granting of the easement reserved hereunder pursuant to Section 3 of this Ordinance and execution and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of such conditions upon signature by any such City official or his or her designee).

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ______________________
John D. Malamut
Deputy City Attorney

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: ______________________
Edward D. Reiskin
Director of Public Works

RECOMMENDED:
DIRECTOR OF PROPERTY

By: Amy L Brown
Amy L. Brown
Director of Property

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080512 **Date Passed:**

Ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and Donahue Street in Hunters Point Shipyard Parcel "A1"and all of Navy Road in Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcels A1 and A2; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for a City combined sewer line and facilities; accepting Department of Public Works Order No. 177,478; and authorizing official acts in connection with this Ordinance.

June 3, 2008 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

File No. 080512

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

Amendment of the Whole
as amended in Committee 7/7/08

FILE NO. 080566 ORDINANCE NO. 125-08

[Approving an agreement with Cochran, Inc. to install shoreside power equipment at Pier 27 and 29 of the Port of San Francisco and waiving certain contracting requirements of the Administrative Code and Environment Code.]

Ordinance authorizing the Executive Director of the Port to execute an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco for an amount not to exceed $3,200,000 ~~$1,700,000 from the City and an additional $1,900,000 to be separately provided by Princess Cruise Lines from the Bay Area Air Management District Carl Moyer Program grant~~ and exempting the agreement from the contracting requirements of the Administrative Code and Environment Code.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) On September 27, 2005, the Port of San Francisco's Cruise Terminal Environmental Advisory Committee recommended the adoption of shoreside power for cruise ships at any future cruise terminal development at the Port.

(b) On September 27, 2005, the San Francisco Port Commission endorsed the Cruise Terminal Environmental Advisory Committee recommendation regarding shoreside power for cruise ships.

(c) On December 22, 2006, the Port and Princess Cruise Lines, as co-applicants, submitted an application to the Bay Area Air Quality Management District ("BAAQMD") for Carl Moyer Program funding for shoreside power at the Port.

(d) On April 4, 2007, the BAAQMD approved a Carl Moyer Program grant of $1.9 million to the Port of San Francisco and Princess Cruise Lines, jointly as grantee, to fund a

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shoreside power project ("Project") and in December 2007, this Board by Resolution No. 671-07 approved the acceptance and expenditure of those grant funds. The Carl Moyer grant specifies that the Project must be completed by June 2009; otherwise, the grant funds must be repaid to BAAQMD.

(e) In December 2007, the California Air Resources Board ("CARB") voted to approve a proposed regulation, which, when effective, will require five ports in California, including the Port of San Francisco, to phase in shoreside power for certain vessels including cruise ships beginning in the year 2014.

(f) Carl Moyer Program grant funds cannot be used to fund projects that are required by law. Since CARB adopted a regulation requiring shoreside power to be phased in beginning 2014, the Port must install its grant-funded Project by mid-2009, thereby providing for an operational shoreside power facility at least four years in advance of state requirements, in order to achieve Carl Moyer Program emission reduction requirements.

(g) The Project will reduce the emission of air pollutants by each typical cruise ship that connects, by approximately:

140 lbs diesel particulate matter ("PM"),
0.87 tons nitrogen oxides ("NOx"), and
1.3 tons sulfur oxides ("SOx");

thereby improving San Francisco's air quality and enhancing the public health and welfare of all San Franciscans and creating other significant public benefits.

Additionally, each ship that connects will reduce the consumption of fossil fuels by approximately 16 tons, resulting in a reduction of carbon dioxide emissions of approximately 19.7 tons, thereby reducing the amount of the City's greenhouse gas emissions.

(h) Princess Cruise Lines, as the only cruise ship company that has designed and constructed shoreside power facilities for cruise ships, has unique experience in the development of shoreside power equipment and is uniquely qualified as a Carl Moyer Program grantee to participate in this Project. Princess Cruise Lines utilizes Cochran, Inc., a Seattle-based electrical engineering contractor, to design and install shoreside power installations.

(i) All other major cruise lines, through the International Council of Cruise Lines ("ICCL"), in order to maximize compatibility among the various ships and cruise companies, have agreed to adopt the Princess design for shoreside power as the industry standard.

(j) Any delay in installing the shoreside power equipment increases the risk of losing the Carl Moyer Program grant funds.

(k) The Port proposes to enter into an agreement with Princess Cruise Lines, under which ~~Princess Cruise Lines~~ the Port shall seek reimbursement of funds not to exceed $1.9 million from BAAQMD through the Carl Moyer Program for Project costs, and Princess Cruise Lines will assist the Port by working with Cochran to test and certify that the shoreside power equipment functions properly with Princess' cruise vessels. The estimated cost of the project, including contingencies is $3.6 million, thereby exceeding the Carl Moyer Program grant amount by $1.7 million. The Port proposes to enter into a Memorandum of Understanding ("MOU") with the San Francisco Public Utilities Commission ("SFPUC") for SFPUC funding of the remainder of Project costs of $1.7 million.

(l) The Port and SFPUC staff are ~~examining methods of~~ pursuing engineering and ~~dividing~~ construction of the shoreside power project in~~to~~ two distinct phases: one that involves the specialized shoreside power equipment that ~~could~~ will be executed by ~~Princess Cruise Lines~~ the Port of San Francisco with BAAQMD funds and SFPUC funds ~~(the "BAAQMD-~~

~~funded phase")~~ through a contract with Cochran, Inc., and another that involves upgrading SFPUC-owned electrical power supply to the shoreside power system ~~and could~~ which will be executed by the SFPUC and its current, as-needed construction contractors, utilizing SFPUC funds ~~(the "SFPUC- funded phase")~~. ~~City staff have not yet concluded whether t~~This approach will deliver an operational project by mid-2009.

~~(m) Subject to the Port Director's determination that it is economically or technically~~ infeasible to complete ~~the SFPUC- funded phase of~~ the Project utilizing a current City-certified contractor, the Board of Supervisors hereby authorizes the Executive Director of the Port to execute an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco for an amount not to exceed $3,200,000 ~~the Port of San Francisco wishes to enter into an agreement with Cochran, Inc. for the purchase and installation of shoreside power equipment at Piers 27 and 29 of the Port of San Francisco, for an amount not to exceed $1,700,000 dollars from the City and an additional amount of $1,900,000 to be separately provided by Princess Cruise Lines the Port of San Francisco from the BAAQMD Carl Moyer Program grant~~, such agreement to be substantially in the form of the agreement on file with the Clerk of the Board of Supervisors in File No. 080566 (the "Agreement") which is incorporated herein by reference.

(n) At the discretion of the Executive Director of the Port, ~~T~~the Agreement ~~shall~~ may waive either party's right to seek incidental, consequential, special, punitive, or exemplary damages from the other.

(o) The City's Planning Department has issued a Categorical Exemption dated March 13, 2008, for this project in accordance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 2008.030E and is incorporated herein by reference.

Section 2. Subject to the Port Director's determination that it is economically or technically infeasible to complete ~~the SFPUC-funded phase of~~ the Project utilizing a current City-certified contractor, the Board of Supervisors hereby exempts the Agreement from the contracting requirements of the Administrative Code and Environment Code, including, without limitation, Chapters 6, 12C, 12P, 12Q, and 14A, 14B, and 21 of the Administrative Code and Chapters, 2, 5, and 8 of the Environment Code except to the extent the Agreement obligates Cochran, Inc. as contractor, to satisfy such requirements, and hereby authorizes the Executive Director of the Port, or her designee, to execute the Agreement, on behalf of the City, substantially in form of the agreement on file with the Clerk of the Board, in File No. 080566.

Section 3. The Board of Supervisors hereby authorizes the Executive Director or her designee to enter into any additions, amendments or other modifications to the Agreement that the Executive Director, in consultation with the City Attorney, determines are in the best interests of the City, do not increase the amount of the Agreement or otherwise do not materially increase the obligations or liabilities of the City and are necessary or advisable to complete the Project contemplated by the Agreement and effectuate the purpose and intent of this Ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
ROBERT A. BRYAN
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080566 **Date Passed:**

Ordinance authorizing the Executive Director of the Port to execute an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco for an amount not to exceed $1,700,000 from the City and an additional $1,900,000 to be separately provided by Princess Cruise Lines from the Bay Area Air Management District Carl Moyer Program grant and exempting the agreement from the contracting requirements of the Administrative Code and Environment Code.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080566

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

FILE NO. 080736 ORDINANCE NO. 126-08

[Planning Code – Modifying the fee refund provisions for inclusionary housing projects.]

Ordinance amending Planning Code Section 315.4 to limit refunds for environmental review, conditional use applications and fees covered in Planning Code Section 352 to only that portion of the housing project which is affordable and to clarify that the refund provision is only available to projects that filed on or after June 18, 2001; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. ______________, and incorporates those reasons herein by reference. A copy of said Planning Commission resolution is on file with the Clerk of the Board of Supervisors in File No. ________________.

(b) The Board of Supervisors finds that this ordinance is, on balance, consistent with the General Plan and the Priority Policies of Planning Code Section 101.1(b) for the reasons set forth in Planning Commission Resolution No. ________________________, and incorporates those reasons herein by reference.

(c) The Planning Department has completed environmental review of this ordinance pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. Documentation of that review is on file

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with the Clerk of the Board of Supervisors in File No. ____________________ and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 315.4, to read as follows:

SEC. 315.4. ON-SITE HOUSING REQUIREMENT AND BENEFITS.

Except as provided in Section 315.4(e), all housing projects subject to this Program through the application of Section 315.3 shall be required to construct on-site units subject to the following requirements:

(a) *Number of Units:*

(1)

(A) For any housing development of any height that is located in an area with a specific inclusionary housing requirement, the more specific inclusionary housing requirement shall apply.

(B) Buildings 120 feet in height and under or buildings of over 120 feet in height that do not meet the criteria in subsection (C) below: Except as provided in Subsection (C) below, the Planning Department shall require for housing projects covered by Section 315.3(a)(1), as a condition of Planning Department approval of a project's building permit, and by Section 315.3(a)(2), (3) and (4), as a Condition of Approval of a conditional use or planned unit development permit or as a condition of Planning Department approval of a live/work project, that 15 percent of all units constructed on the project site shall be affordable to qualifying households so that a project applicant must construct .15 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

The Planning Department shall provide written notice by mail to the project applicant of the number of affordable units which shall be required within 30 days of approval by the Planning Department or Planning Commission.

(C) Buildings of over 120 feet in height. Except as provided in subsection (A) above, the requirements of this Subsection shall apply to any project that is over 120 feet in height and does not require a Zoning Map amendment or Planning Code text amendment related to its project approvals which (i) results in a net increase in the number of permissible residential units, or (ii) results in a material increase in the net permissible residential square footage as defined in Section 315.3(b)(2) or has not received or will not receive a zoning map amendment or Planning Code text amendment as part of an Area Plan adopted after January 1, 2006 which (i) results in a net increase in the number of permissible residential units, or (ii) results in a material increase in the net permissible residential square footage as defined in Section 315.3(b)(2). The Planning Department shall require for housing projects covered by this Subsection and Section 315.3(a)(1), as a condition of Planning Department approval of a project's building permit, or by this Subsection and by Section 315.3(a)(2), (3) and (4), as a Condition of Approval of a conditional use or planned unit development permit or as a condition of Planning Department approval of a live/work project, that 12 percent of all units constructed on the project site shall be affordable to qualifying households so that a project applicant must construct .12 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above. Consistent with the conclusions of the Mayor's Office of Housing study authorized in Section 315.8(e), the Mayor's Office of Housing shall recommend and the Board of

Supervisors shall consider whether the requirements of this Subsection for buildings of over 120 feet in height shall continue or expire after approximately five years.

The Planning Department shall provide written notice by mail to the project applicant of the number of affordable units which shall be required within 30 days of approval by the Planning Department or Planning Commission. This notice shall also be sent to project applicants who elect to pay an in-lieu fee.

(2) If the principal project has resulted in demolition, conversion, or removal of affordable housing units renting or selling to households at income levels and/or for a rental rate or sales price below corresponding income thresholds for units affordable to qualifying households, the Planning Commission shall require that the project applicant replace the number of affordable units removed with units of a comparable number of bedrooms or provide that 15 percent of all units constructed as part of the new project shall be affordable to qualifying households, whichever is greater.

(b) Timing of Construction: On-site inclusionary housing required by this Section 315.4 must be constructed, completed, and ready for occupancy no later than the market rate units in the principal project.

(c) Type of Housing: The type of affordable housing needed in San Francisco is documented in the City's Consolidated Plan and the Residence Element of the General Plan. In general, affordable units constructed under this Section 315.4 shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the principal project. The Notice of Special Restrictions or Conditions of Approval shall include a specific number of units at specified unit sizes for affordable units. The square footage of affordable units and interior features in affordable units do not need to be same as or equivalent to those in market rate units in the principal project, so long as they are of good quality and are consistent with then-current standards for new housing. Where applicable, parking shall be offered to the affordable units subject to the terms and conditions of the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time. Unless provided otherwise by the Mayor's Office of Housing in writing, if the units in the market rate portion of the development are ownership units, then the affordable units shall be ownership units and if the market rate units are rental units, then the affordable units shall be rental units.

(d) Marketing the Units: The Mayor's Office of Housing shall be responsible for overseeing and monitoring the marketing of affordable units under this Section. In general, the marketing requirements and procedures shall be contained in the Procedures Manual as amended from time to time and shall apply to the affordable units in the project. The Mayor's Office of Housing may develop occupancy standards for units of different bedroom sizes in the Procedures Manual in order to promote an efficient allocation of affordable units. The Mayor's Office of Housing may require in the Procedures Manual that prospective purchasers complete homebuyer education training or fulfill other requirements. The Mayor's Office of Housing shall develop a list of minimum qualifications for marketing firms that market affordable units under this ordinance, referred to the Procedures Manual as Below Market Rate (BMR units). Within 3 months from the effective date of this legislation, the Mayor's Office of Housing shall recommend to the Planning Commission that these minimum qualifications be published in the Procedures Manual such that, upon approval of the qualifications by the Planning Commission, no developer marketing units under the Inclusionary Housing Program shall be able to market BMR units except through a firm meeting all of the minimum qualifications. For purposes of this ordinance, any developer that has not yet submitted a marketing plan to the Mayor's Office of Housing by the date of

Planning Commission approval of the qualifications shall be required to comply with this section. The Notice of Special Restrictions or Conditions of Approval shall specify that the marketing requirements and procedures contained in the Procedures Manual as amended from time to time, shall apply to the affordable units in the project.

(1) Lottery: At the initial offering of affordable units in a housing project, the Mayor's Office of Housing must require the use of a public lottery approved by the Mayor's Office of Housing to select purchasers or tenants. The Mayor's Office of Housing shall also hold a general public lottery and maintain and utilize a list generated from this lottery or utilize a list generated from a recent lottery at another similar housing project to fill spaces in units that become available for re-sale or occupancy in any housing project subject to this ordinance after the initial offering. The list shall be updated from time to time but in no event less than annually to ensure that it remains current.

(2) Preferences: The Mayor's Office of Housing shall create a lottery system that gives preference to people who live or work in San Francisco. MOH shall propose policies and procedures for implementing this preference to the Planning Commission for inclusion in the Procedures Manual. Otherwise, it is the policy of the Board of Supervisors to treat all households equally in allocating affordable units under this Program.

(e) Alternatives: The project sponsor may elect to satisfy the requirements of Section 315.4 by one of the alternatives specified in this Section. The project sponsor has the choice between the alternatives and the Planning Commission may not require a specific alternative. The project sponsor must elect an alternative before it receives project approvals from the Planning Commission or Planning Department and that alternative will be a condition of project approval. Notwithstanding the foregoing, if a project sponsor elects an alternative other than the on-site alternative, the project sponsor still has the option to choose the on-site alternative up to the issuance of the first site or building permit. If a project sponsor fails to elect an alternative before project approval by the Planning Commission or Planning Department, the provisions of Section 315.4 shall apply. The alternatives are as follows:

(1) Constructing units affordable to qualifying households at an alternative site within the City and County of San Francisco pursuant to the requirements of Section 315.5.

(2) Paying an in lieu fee to the Mayor's Office of Housing pursuant to the requirements of Section 315.6.

(3) Any combination of construction of on-site units as provided in Section 315.4, off-site units as provided in Section 315.5, or payment of an in lieu fee as provided in Section 315.6, provided that the project applicant constructs or pays the fee at the appropriate percentage or fee level required for that option.

(4) Using California Debt Limit Allocation Committee (CDLAC) tax-exempt bonds under the requirements of Section 315.5(g).

(f) Benefits: If the project applicant elects to satisfy the inclusionary housing requirements through the production of on-site inclusionary housing in this Section 315.4, the project applicant *who filed an application on or after June 18, 2001* shall at his or her option, be eligible to receive a refund *for only that portion of the housing project which is affordable for* ~~of~~ the following fees: a conditional use or other fee required by Planning Code Section 352, if applicable; an environmental review fee required by Administrative Code Section 31.46B, if applicable; a building permit fee required by the Building Code and by Planning Code Section 355 for the portion of the housing project that is affordable. The project applicant shall pay the building fee for the portion of the project that is market-rate.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: John D. Malamut
Deputy City Attorney

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 080736 **Date Passed:**

Ordinance amending Planning Code Section 315.4 to limit refunds for environmental review, conditional use applications and fees covered in Planning Code Section 352 to only that portion of the housing project which is affordable and to clarify that the refund provision is only available to projects that filed on or after June 18, 2001; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080736

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

FILE NO. 080802 ORDINANCE NO. 127-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the terms of the parties' Agreement through June 30, 2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #2 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the terms of the parties' Agreement through June 30, 2010.

Amendment #2 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080802.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
ELIZABETH S. SALVESON
Chief Labor Attorney

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Ordinance

File Number: 080802 **Date Passed:**

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the terms of the parties' Agreement through June 30, 2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080802

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7.21.08
Date Approved

Mayor Gavin Newsom

FILE NO. 080803

ORDINANCE NO. 128-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the terms of the parties' Agreement through June 30, 2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #1 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the terms of the parties' Agreement through June 30, 2010.

Amendment #1 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080803.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth S Salveson
ELIZABETH S. SALVESON
Chief Labor Attorney

MAYOR NEWSOM, Supervisor Elsbernd
BOARD OF SUPERVISORS

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File Number: 080803 **Date Passed:**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the terms of the parties' Agreement through June 30, 2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080803

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

FILE NO. 080804 ORDINANCE NO. 129-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #1 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

Amendment #1 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080804.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth S. Salveson
ELIZABETH S. SALVESON
Chief Labor Attorney

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Ordinance

File Number: 080804 **Date Passed:**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080804

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

7·21·08

Date Approved

Mayor Gavin Newsom

FILE NO. 080805 ORDINANCE NO. 130-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by extending the terms of the parties' Agreement through June 30, 2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #1 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by extending the terms of the parties' Agreement through June 30, 2010.

Amendment #1 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080805.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ELIZABETH S. SALVESON
Chief Labor Attorney

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File Number: 080805 **Date Passed:**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by extending the terms of the parties' Agreement through June 30, 2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080805

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

File No. 080805

FILE NO. 080806 ORDINANCE NO. 131-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #1 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

Amendment #1 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080806.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth S. Salveson
ELIZABETH S. SALVESON
Chief Labor Attorney

MAYOR NEWSOM, Supervisor Elsbernd
BOARD OF SUPERVISORS

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File Number: 080806 **Date Passed:**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080806

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

File No. 080806

FILE NO. 080807 ORDINANCE NO. 132-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by extending the terms of the parties' Agreement through June 30, 2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #1 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by extending the terms of the parties' Agreement through June 30, 2010.

Amendment #1 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080807 .

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth S. Salveson
ELIZABETH S. SALVESON
Chief Labor Attorney

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File Number: 080807 **Date Passed:**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by extending the terms of the parties' Agreement through June 30, 2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080807

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7.21.08
Date Approved

Mayor Gavin Newsom

FILE NO. 080808 ORDINANCE NO. 133-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350 by extending the terms of the parties' Agreement through June 30, 2010.

~~Be it ordained by the People of the City and County of San Francisco:~~

Section 1. The Board of Supervisors hereby adopts and implements Amendment #1 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350 by extending the terms of the parties' Agreement through June 30, 2010.

Amendment #1 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080808.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth S. Salveson
ELIZABETH S. SALVESON
Chief Labor Attorney

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File Number: 080808 **Date Passed:**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350 by extending the terms of the parties' Agreement through June 30, 2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080808

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08

Date Approved

Mayor Gavin Newsom

FILE NO. 080809 ORDINANCE NO. 134-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) by extending the terms of the parties' Agreement through June 30, 2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #1 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) by extending the terms of the parties' Agreement through June 30, 2010.

Amendment #1 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080809.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ______
ELIZABETH S. SALVESON
Chief Labor Attorney

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Ordinance

File Number: 080809 **Date Passed:**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) by extending the terms of the parties' Agreement through June 30, 2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080809

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

File No. 080809

FILE NO. 080810 ORDINANCE NO. 135-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #2 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Amendment #2 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080810.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
ELIZABETH S. SALVESON
Chief Labor Attorney

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Ordinance

File Number: 080810 **Date Passed:**

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

~~July 8, 2008 Board of Supervisors — PASSED ON FIRST READING~~

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080810

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7.21.08
Date Approved

Mayor Gavin Newsom

FILE NO. 080811 ORDINANCE NO. 136-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11AA) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #2 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11AA) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Amendment #1 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080811.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ______________________
ELIZABETH S. SALVESON
Chief Labor Attorney

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Ordinance

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File Number: 080811 **Date Passed:**

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11AA) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080811

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

File No. 080811

FILE NO. 080812 ORDINANCE NO. 137-08

[Memorandum of Understanding.]

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment #2 amending the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Amendment #2 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080812.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth S. Salveson
ELIZABETH S. SALVESON
Chief Labor Attorney

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Ordinance

File Number: 080812 **Date Passed:**

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080812

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

7.21.08

Date Approved

Mayor Gavin Newsom

FILE NO. 080813 ORDINANCE NO. 138-08

[Memorandum of Understanding.]

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire, to be effective July 1, 2007 through June 30, 2011.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire, to be effective July 1, 2007 through June 30, 2011.

The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080813.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
ELIZABETH S. SALVESON
Chief Labor Attorney

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City and County of San Francisco

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Ordinance

File Number: 080813 **Date Passed:**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire, to be effective July 1, 2007 through June 30, 2011.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080813

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

7.21.08

Date Approved

Mayor Gavin Newsom

File No. 080813

FILE NO. 080814 ORDINANCE NO. 139-08

[Memorandum of Understanding.]

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police, to be effective July 1, 2007 through June 30, 2011.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police, to be effective July 1, 2007 through June 30, 2011.

The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 080814.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth S. Salveson
ELIZABETH S. SALVESON
Chief Labor Attorney

MAYOR NEWSOM, Supervisor Elsbernd
BOARD OF SUPERVISORS

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City and County of San Francisco

Tails

Ordinance

File Number: 080814 **Date Passed:**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police, to be effective July 1, 2007 through June 30, 2011.

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080814

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·21·08
Date Approved

Mayor Gavin Newsom

File No. 080814

City and County of San Francisco

Consolidated Budget
and
Annual Appropriation Ordinance

City and County of San Francisco
Fiscal Year Ending June 30, 2009
File No. 080725 Ordinance 140-08

and

Municipal Transportation Agency
Fiscal Year Ending June 30, 2009 and
Fiscal Year Ending June 30, 2010
File No. 081040 Ordinance 142-08

Gavin Newsom, Mayor

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City and County of San Francisco

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Ordinance

File Number: 080725 **Date Passed:**

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2009.

July 16, 2008 Board of Supervisors — CONTINUED
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 22, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

July 29, 2008 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

File No. 080725

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 29, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·30·08

Date Approved

Mayor Gavin Newsom

ANNUAL SALARY ORDINANCE

CITY AND COUNTY OF SAN FRANCISCO

File No. 080726 Ordinance No. 141-08

FISCAL YEAR ENDING JUNE 30, 2009

MUNICIPAL TRANSPORTATION AGENCY

File No. 081041 Ordinance No. 143-08

FISCAL YEARS ENDING JUNE 30, 2009 & JUNE 30, 2010

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City and County of San Francisco

Tails

Ordinance

File Number: 081041 **Date Passed:**

Annual Salary Ordinance for the Municipal Transportation Agency for Fiscal Years 2008-2009 and 2009-2010.

July 22, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 5 - Ammiano, Chu, Daly, Mirkarimi, Peskin

July 29, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 3 - Daly, Mirkarimi, Peskin

File No. 081041

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 29, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·30·08

Date Approved

Mayor Gavin Newsom

City and County of San Francisco

Consolidated Budget
and
Annual Appropriation Ordinance

City and County of San Francisco
Fiscal Year Ending June 30, 2009
File No. 080725 Ordinance 140-08

and

Municipal Transportation Agency
Fiscal Year Ending June 30, 2009 and
Fiscal Year Ending June 30, 2010
File No. 081040 Ordinance 142-08

Gavin Newsom, Mayor

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File Number: 081040 **Date Passed:**

Budget and Annual Appropriation Ordinance Appropriating All Estimated Receipts and All Estimated Expenditures for the Municipal Transportation Agency for the Fiscal Year Ending June 30, 2009 and for the Fiscal Year Ending June 30, 2010.

July 22, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 5 - Ammiano, Chu, Daly, Mirkarimi, Peskin

July 29, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 3 - Daly, Mirkarimi, Peskin

File No. 081040

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 29, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·30·08
Date Approved

Mayor Gavin Newsom

ANNUAL SALARY ORDINANCE

CITY AND COUNTY OF SAN FRANCISCO

File No. 080726 Ordinance No. 141-08

FISCAL YEAR ENDING JUNE 30, 2009

MUNICIPAL TRANSPORTATION AGENCY

File No. 081041 Ordinance No. 143-08

FISCAL YEARS ENDING JUNE 30, 2009 & JUNE 30, 2010

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Ordinance

City Hall
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File Number: 080726 **Date Passed:**

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

July 16, 2008 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 22, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

July 29, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

File No. 080726

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 29, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7.30.08

Date Approved

Mayor Gavin Newsom

FILE NO. 080765

ORDINANCE NO. 144-08

[Regulation of Newsracks: Increasing Fixed Pedestal Permit Fee.]

Ordinance amending Section 184.12 of the San Francisco Public Works Code to provide that the annual fee for a fixed pedestal permit shall be $60.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Public Works Code is hereby amended by amending Section 184.12, to read as follows:

SEC. 184.12. FIXED PEDESTAL NEWSRACKS.

(a) PURPOSE AND INTENT. The Board of Supervisors hereby finds and declares:

(1) The City and County of San Francisco has a substantial interest in promoting the public health, safety, welfare and convenience of its citizens and visitors by ensuring that public streets, public sidewalks and public rights-of-way are not unreasonably obstructed by newsracks, and that newsracks are properly maintained.

(2) In recent years, the proliferation of newsracks on City streets, and particularly poorly maintained or abandoned freestanding newsracks, have contributed to the congestion of public sidewalks, impeded the flow of pedestrian and vehicular traffic, interfered with the use of streets, public sidewalks and public rights-of-way, presented hazards to persons and property, contributed to the litter problems of public sidewalks, and resulted in visual blight.

(3) The City and County of San Francisco has a substantial interest in preserving and protecting its unique visual and aesthetic qualities identified in Sections I.5.24 through I.5.25, I.5.32 through I.5.33, and II.4.2 of the San Francisco General Plan. To that end, and consistent with the Downtown Area Plan of the General Plan (§§ II.1.48 through II.1.50), the

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City must take steps to reduce the visual blight, the inconvenience and the hazards associated with unlimited numbers and designs of newsracks, poorly maintained newsracks and the virtually unrestricted placement of newsracks on public streets, public sidewalks and public rights-of-way.

(4) A six-month pilot program employing fixed pedestal newsracks at various locations the City has shown that an effective way to reduce the visual clutter and hazards associated with excessive numbers of newsracks is to prohibit freestanding newsracks in congested areas, and to allow only fixed pedestal newsracks in these areas.

(5) The purpose of this section is to promote the public health, safety and welfare and the aesthetic qualities of the City by controlling the placement, size, construction and appearance of newsracks and fixed pedestal units so as to accomplish the following, to the extent reasonably possible in compliance with this section and the guidelines:

(A) Provide for pedestrian and vehicular safety and convenience;

(B) Ensure that there is no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, place of business or public facility, or any legally parked or stopped vehicles;

(C) Ensure compliance with the Americans With Disabilities Act and improve passage for persons with disabilities by reducing impediments to passage caused by poorly located newsracks;

(D) Provide reasonable access for the safe and efficient use and maintenance of sidewalks, poles, posts, traffic signs or signals, hydrants, mailboxes, police or fire call boxes, sidewalk elevators, delivery areas, loading zones, transit shelters, curb ramps, parking meters, and locations used for public transportation services;

(E) Reduce visual blight and clutter and litter problems associated with poorly maintained, improperly located or abandoned newsracks;

(F) Protect the unique aesthetic and historical attributes of the City;

(G) Advance the economic interests of the City's businesses and residents, including the interests of those involved in the publication or distribution of newspapers and news periodicals through newsracks;

(H) Respect publications' interests in effective distribution, including by (i) allowing publications currently distributed from freestanding newsracks to receive distribution space in fixed pedestal units located at, or as close as reasonably possible to, the locations of such freestanding newsracks; (ii) allowing publications not currently distributed from freestanding newsracks to receive distribution space in fixed pedestal units, (iii) allowing the number, locations, and usage of fixed pedestal units to change over time in response to changing market conditions; and (iv) specifying reasonable conditions under which paid publications shall have the right to repair, maintain, replace or otherwise engage in self-help as to specific components of newsrack boxes they occupy that relate to newsrack box functionality;

(I) Provide for streetworthy fixed pedestal units and prompt and effective maintenance, repair and replacement of such units, including by providing for expeditious maintenance, repair and replacement of parts of such units which, if not thus maintained, repaired or replaced, could significantly impede the effective use of such units for the sales or distribution of publications; and

(J) Specify reasonable conditions under which paid publications may elect to have the Vendor assume responsibility for repair, maintenance, or replacement of coin mechanisms and related parts of newsrack boxes that those paid publications occupy, and may subsequently revoke such election.

(6) In adopting this section, the Board of Supervisors is mindful that regulation of newsracks implicates rights protected by the First Amendment of the United States Constitution and by Article I, Section 2 of the California Constitution. To that end, the Board of Supervisors directs the Director of the Department of Public Works, the General Manager of the Municipal Railway, and other appropriate City officials to interpret and apply this section and the guidelines promulgated under this section, and to exercise their powers and duties, in a manner consistent with the constitutional rights of citizens and the regulated community.

(7) Use of streets, public sidewalks and other public rights-of-way for distribution of newspapers may be denied where such use presents a danger to persons or property. Use of these areas for such purposes may be restricted where it unreasonably interferes with the intended use of the area or with pedestrian or vehicular traffic, or results in unreasonable levels of visual blight.

(8) In recent years, City officials have noticed that a number of newsracks in the City are placed in inappropriate locations, are abandoned, or are poorly maintained. Many of these newsracks also end up being used as trash receptacles, causing unsightly and unsanitary clutter and litter.

(9) Given the limited space available and the increasing congestion on certain public sidewalks, streets and public rights-of-way, the City has a substantial interest in devising an approach to placement of newsracks and fixed pedestal units in those areas that promote public health, safety and welfare and the aesthetic quality of the City. This objective may be achieved by creating "fixed pedestal zones" in highly congested areas or areas that have particular public safety, aesthetic, historical, or economic concerns. Allowing fixed pedestal units and prohibiting freestanding newsracks and unauthorized fixed pedestal units in these zones will promote the City's interest in promoting public safety, reducing visual blight and

clutter, protecting the unique aesthetic and historical attributes of the City, and advancing the economic interests of the City's businesses and residents by improving the appearance of the area and resulting in better use of space and reduced congestion, while respecting publication's interests in effective distribution. A reasonable accommodation of these competing interests can be achieved by adoption of this section, which regulates the placement, size, construction design, maintenance, and appearance of newsracks and fixed pedestal units in specified areas.

(10) This section is not intended to and does not ban freestanding newsracks on public sidewalks, streets and public rights-of-way throughout the City. Subject to Section 184.12(c) and the guidelines, freestanding newsracks may continue to be placed on public sidewalks, streets and public rights-of-way in areas of the City that are not within fixed pedestal zones created pursuant to this section, in accordance with Article 5.4, Sections 184 through 184.11, of the San Francisco Public Works Code and the guidelines promulgated thereunder. Publications also may continue to be distributed within fixed pedestal zones created pursuant to this section by all authorized means other than freestanding newsracks.

(b) DEFINITIONS. The definitions contained in Section 184.1 shall apply to this section except to the extent such definitions are inconsistent with the following:

(1) "Abandoned newsrack box" means any newsrack box that either remains empty for more than fifteen (15) business days or contains only outdated issues in violation of the guidelines promulgated under this section, after the expiration of applicable notice, grace and cure periods. In case of a labor strike or a temporary and extraordinary interruption of distribution or publication of the newspaper or other periodical sold or dispensed from that newsrack box, the publication shall notify the Director in writing in order to avoid having the newsrack box deemed abandoned.

(2) A "block face" means the sidewalk between, and including, two contiguous curb corners without an intervening street or other roadway, excluding driveways.

(3) A "curb corner" means the common area formed at the intersection of, and consisting of the overlap of, two adjacent sidewalks.

(4) A "cluster of fixed pedestal units" means two or more fixed pedestal units located such that each unit is within twenty-five feet (25') of another unit on the same block face.

(5) "Director" means the Director of the Department of Public Works or his or her designated agent or representative.

(6) "Fixed pedestal zone" means any area designated by the Director, in accordance with this section and the guidelines in which distribution of newspapers through newsracks is restricted to fixed pedestal units installed in a style and manner approved by the Director.

(7) "Fixed pedestal permit" means a permit issued to a publication authorizing the placement of the publication in one or more newsrack boxes in a fixed pedestal unit in a Fixed Pedestal Zone.

(8) "Fixed pedestal unit" means an assembly which is of a type, design or model approved by the Director and which contains one or more self-service or coin-operated boxes, containers, storage units or other dispensers installed, used or maintained for the display and sale or free distribution of publications, and which is attached to the public sidewalk, street or public right-of-way in accordance with this section, guidelines promulgated under this section, and any vendor contract.

(9) "Freestanding newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale or the distribution without charge of publications, and which is not a fixed pedestal unit authorized under this section.

(10) A "historically present" publication means a publication that, according to the survey completed most recently before initial implementation of this section in any fixed pedestal zone, was distributed from at least one freestanding newsrack situated cat the area in question. For purposes of the preceding sentence:

(A) "Area" means either a corner area or a midblock area. A "corner area" is that general portion of a block face that, as reasonably estimated by the Director in the compilation of the survey without undertaking actual measurement, is no more than thirty-five feet (35') from the edge of the nearest curb corner on that block face, or, if there is one or more item of street furniture, utilities, or other fixed obstructions (except freestanding newsracks) within those thirty-five feet (35'), no more than fifty feet (50') from the edge of the nearest curb corner. A midblock area is that general portion of a block face that is not a corner area under this subsection.

(B) Because freestanding newsracks are often inadvertently moved into locations that are illegal under City laws or regulations, a freestanding newsrack is "situated" in the area in question even if it is placed in a location that violates one or more City laws or regulations concerning freestanding newsrack placement. Notwithstanding the foregoing sentence, no freestanding newsrack shall support a claim of historical presence, or be counted in any survey of historically present freestanding newsracks, if it is secured to a tree, tree grate, or tree guard; is secured to or interfering with a fire hydrant, police or fire call box, or parking meter; or is located in a crosswalk, in any part of a bus zone save the last fifteen feet (15') thereof, in a blue zone, in any location where it interferes with a handicapped access ramp, or in any other location where it poses a similar significant threat to public safety or property.

(11) "Initial implementation" means the first stage of implementation of this section throughout a fixed pedestal zone, and shall include the selection of locations for initial fixed

pedestal units in that zone which are as close as possible to the former locations of freestanding newsracks, in compliance with this section and the guidelines; the allocation of space within those units to historically present publications and, if possible, to other interested publications; and the installation of those units.

(12) "Newsrack" means a freestanding newsrack or an unauthorized fixed pedestal unit.

(13) "Newsrack box" shall mean the individual space within a fixed pedestal unit that dispenses one publication, including the door, coin return mechanism and associated hardware. Except as stated otherwise in this section or the guidelines, if the vendor has split a newsrack box into two separate distribution areas, each such area shall constitute as separate newsrack box. "Newsrack box" does not include any freestanding newsrack.

(14) "Permit holder" means a publication that has been issued one or more fixed pedestal permits by the Director, or that is otherwise authorized to occupy one or more newsrack boxes.

(15) A "petition unit" means a fixed pedestal unit installed pursuant to a petition under subsection 184.12(g)(3)(B) after initial implementation has occurred throughout the fixed pedestal zone in question.

(16) "Publication" includes all editions of that publication, including but not limited to morning, evening, or special editions, as well as any editions of that publication published jointly with another publisher.

(17) "Public right-of-way" means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved and dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes, whether or not said land has been improved or accepted for maintenance by the City.

(18) "Roadway" means that portion of a public street that is improved or customarily used for vehicular traffic.

(19) "Section" or "this section," or "any subsection thereof" means Article 5.4, Section 184.12 of the San Francisco Public Works Code.

(20) "Sidewalk" means any public surface or public walkway provided for the exclusive or primary use of pedestrians.

(21) "Street" means all that area dedicated to the public use, including but not limited to roadways, sidewalks and planter strips.

(22) A "survey" means a written enumeration of the freestanding newsracks situated on public sidewalks and public rights-of-way in one or more portions of the City that (A) states the name of the publication distributed from each such freestanding newsrack, with such names listed according to survey order; (B) states whether each such freestanding newsrack is situated at a corner area or midblock area, as reasonably estimated by the Director without undertaking actual measurement; (C) is conducted after the effective date of this Section; and (D) is accompanied by a contemporaneous videotape or comparable photographic depiction of such freestanding newsracks that the Director retains for at least twelve (12) months cater initial implementation in that zone is completed. For purposes of the preceding sentence "area" and "situated" shall have the meanings set forth in Section 184.12(b)(10).

(23) "Survey order" means that the Director, in conducting a survey of freestanding newsracks situated in a particular area, as defined in Section 184.12(b)(10), shall proceed in the following order:

(A) In surveying a corner area, the Director shall:

(i) First survey that group of freestanding newsracks in that area that is located on the curb side of the sidewalk (as opposed to the property line side of the sidewalk) and is located closest to the corner. Within that group, the Director shall first survey those freestanding newsracks that face toward the property line, starting with those closest to the corner, and shall then survey those freestanding newsracks that do not face toward the property line, starting with those closest to the corner;

(ii) Then repeat the process described in subsection (i) immediately above for each other group of freestanding newsracks in that area that also is located on the curb side of the sidewalk, proceeding from group to group in order of increasing distance from the corner, until all groups of freestanding newsracks in that area that are located on the curb side of the sidewalk have been surveyed;

(iii) Then repeat the process described in subsection (i) for each remaining group of freestanding newsracks located in that area (i.e. freestanding newsracks not on the curb side of the sidewalk), proceeding from group to group in order of increasing distance from the corner, until all groups of freestanding newsracks in that area have been surveyed.

(B) In surveying a midblock area, the Director shall:

(i) First survey that group of freestanding newsracks in that area that is located on the curb side of the sidewalk and that a vehicle moving on that side of the street would first encounter. Within that group, the Director shall first survey those freestanding newsracks that face toward the property line, proceeding from newsrack to newsrack in the direction in which vehicular traffic on that side of the street moves, and shall then survey those freestanding newsracks that do not face toward the property line, again proceeding from newsrack to newsrack in the direction in which vehicular traffic on that side of the street moves;

(ii) Then repeat the process described in subsection (i) immediately above for each other group of freestanding newsracks in that area that also is located on the curb side of the sidewalk, proceeding from group to group in the direction in which vehicular traffic on that side of the street moves, until all groups of freestanding newsracks in that area that are located on the curb side of the sidewalk have been surveyed;

(iii) Then repeat the process described in subsection (i) for each remaining group of freestanding newsracks located in that area, proceeding from group to group in the direction in which vehicular traffic on that side of the street moves, until all groups of freestanding newsracks in that area have been surveyed.

(24) "Unauthorized fixed pedestal unit" means an assembly containing one or more self-service or coin-operated boxes, containers, storage units or other dispensers installed, used or maintained for the display and sale or free distribution of publications, and which is attached to the public sidewalk, street or public right-of-way in a fixed pedestal zone, which is not authorized pursuant to a vendor contract.

(25) "Vendor" means any individual or entity that has entered into an agreement with the Director, or any agent thereof, to provide, install and maintain fixed pedestal units pursuant to this section.

(26) "Vendor contract" means any agreement between the Director and a vendor pursuant subsection 184.12(d)(3).

(c) SCOPE. The requirements this section shall apply to all fixed pedestal units, unauthorized fixed pedestal units, newsrack boxes and freestanding newsracks located within fixed pedestal zones designated by the Director in accordance with subsection 184.12(f) or within fifteen feet (15') of any fixed pedestal unit that is located in such a zone. To the extent any provision in Sections 184 through 184.11 is in conflict or inconsistent with this section, it is the Board of Supervisors' intention that this section shall control in any fixed pedestal zone or within fifteen feet (15') of any fixed pedestal unit that is located in such a zone.

(d) GUIDELINES, FEES, AND AUTHORITY 0F DIRECTOR.

(1) Promulgation of Guidelines.

(A) The Director is hereby authorized and directed to promptly promulgate guidelines consistent with the provisions of this section controlling the selection of locations for, as well as the placement, size, construction, design, methods of attachment, appearance, and maintenance and repair of fixed pedestal units and newsrack boxes in fixed pedestal zones. The guidelines shall also contain procedures for establishing or amending fixed pedestal zones, for determining access by publications to fixed pedestal units, and for obtaining fixed pedestal permits. The guidelines may also set maximum density levels for fixed pedestal units in fixed pedestal zones, including different levels for commercial and residential areas of the City.

(B) In promulgating guidelines, the Director's decisions shall be consistent with the purpose of this section, as set forth in subsection 184.12(a)(5)(A)– (J).

(C) The guidelines shall be adopted by way of a Department of Public Works order signed by the Director after giving due consideration to the recommendations of the Newsrack Advisory Committee. The provisions of this section governing fixed pedestal units, access to fixed pedestal units by publications, and prohibiting freestanding newsracks and unauthorized fixed pedestal units in fixed pedestal zones shall not be implemented or enforced until the guidelines specified in this paragraph are in effect and notice of the effective date has been published in the City's official newspaper.

(2) Procedures or Adopting or Amending Guidelines. Prior to adopting or amending the guidelines the Director shall publish notice in the City's official newspaper of the Director's intent to adopt or amend the guidelines. Copies of the proposed or amended guidelines shall be made available to the public upon request.

(3) Authority to Contractor Services. The Director is hereby authorized to select and enter into an agreement with a vendor or vendors to provide for the installation and maintenance of fixed pedestal units in accordance with this section. Any such agreement shall include, in addition to any other provisions required by applicable City laws or by guidelines adopted by the Director pursuant to subparagraph (1), the following requirements:

(A) The vendor shall provide for streetworthy fixed pedestal units, and shall be responsible for installing and promptly and effectively maintaining the condition and appearance of, and repairing and replacing, all fixed pedestal units and newsrack boxes subject to the agreement (except for responsibilities which are the obligation of the permit holder pursuant to subsection 184.12(i) in accordance with the terms of the agreement and the requirements of this section;

(B) The vendor shall provide a way to disable and render inoperative any newsrack box that is found by the Director to be in violation of this section by means such as a locking plate over the offending newsrack box. The vendor(s) shall agree to disable any such newsrack boxes within 24 hours of receiving notice to do so from the Director;

(C) A statement to accordance with Section 6.63-1 of the San Francisco Administrative Code that the vendor has a clear and unequivocal understanding that a possessory interest subject to taxation may be created by the agreement and the vendor shall pay any and all possessory interest taxes levied upon the vendor's interest therein pursuant to an assessment lawfully made by the Assessor;

(D) The vendor shall furnish evidence of insurance that is satisfactory to the City Risk Manager, and that names the City as an additional insured;

(E) The vendor shall have no authority to make determinations concerning where fixed pedestal units will be located, or concerning which publications shall have access to a fixed pedestal unit;

(F) Where the Director intends to allow the vendor to place advertising on the back of one or more fixed pedestal units authorized under this section, the agreement shall set forth the requirements applicable to such advertising, including the requirements set forth in subsection 184.12(i)(1)(F);

(G) The vendor shall provide a reasonable opportunity for paid publications to elect to have the vendor assume responsibility for repair, maintenance, or replacement of coin mechanisms and related parts of newsrack boxes that those paid publications occupy, and to subsequently revoke such an election;

(H) The vendor shall specify reasonable conditions under which publications shall have the right to repair, maintain, replace or otherwise engage in self-help as to specific components of newsrack boxes they occupy, and to obtain reimbursement for certain repair, maintenance, or replacement;

(I) The vendor shall provide for installation of reasonable security features to protect the integrity of the fixed pedestal units, including any coin mechanisms and associated hardware;

(J) The vendor shall allow paid publications, at their own cost, to change the coin mechanism in newsrack boxes they occupy, subject to reasonable notice and procedures, to adapt to changing technology and advances;

(K) The vendor shall maintain and display a "hotline" telephone number on the fixed pedestal units authorized by the vendor contract;

(L) The vendor shall reasonably retain information as to complaints concerning and repairs to each newsrack box in each fixed pedestal unit authorized by the vendor contract and make such information available, reasonably promptly, to the publication occupying each such newsrack box and to the Director;

(M) The vendor shall provide a way to split newsrack boxes into two separate distribution areas for the distribution of publications that are distributed free of charge; and

(N) The vendor shall be responsible for the installation, repair and replacement of price plates, if any, including installation, repair and replacement necessitated by a change in the price of a publication.

(O) The current provisions of the "First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel, Inc." satisfy the current requirements of this section concerning vendor contracts, as of the date of the City's approval and authorization of said agreement, including the requirements listed at Section 184.12(d)(3)(A)– (N), above. In the event of any disagreement, interpretive issue, ambiguity, or silence in respect to the tens of this section and said agreement, said agreement, except as to any amendment, modification or supplement to either or both the agreement or this section, shall control the rights and obligations of the Vendor under said agreement, whose fulfillment of the current provisions of said agreement shall constitute compliance with this section.

(4) Content-Based Discrimination Prohibited. The Director shall not consider the content or viewpoint of the material to be distributed through fixed pedestal units in administering or enforcing this section, or in adopting or implementing guidelines pursuant to this section. Nothing in this paragraph shall be construed as limiting the authority of the

Director to require blinder racks for adult-oriented publications in accordance with subsection 184.12(i).

(5) Newsrack Advisory Committee. The Director is hereby authorized and directed to establish a Newsrack Advisory Committee consisting of 11 members. The Newsrack Program Manager of the Department of Public Works shall be a voting member, and shall chair the Committee. The Director shall appoint to the Committee persons drawn from, or having expertise in, the newspaper, news and/or commercial periodical, and distributing industries in the City, and/or drawn from neighborhood and merchant groups, and other interested members of the public. The number of Committee members who are representatives of publishers and/or distributors shall equal the number of Committee members who are representatives of neighborhood and/or merchant groups. The Director shall endeavor to include on the Committee representatives paid and unpaid publications and of more and less frequently published publications. The Committee shall advise the Director in the implementation and administration of this section; resolve disputes concerning the locations of fixed pedestal units, to the extent consistent with this section and the guidelines; and minimize the cost to the City of the implementation and administration of this section. No vendor or agent or employee of a vendor may serve on the Committee. Committee members shall serve at the pleasure of the Director for a term of one year, and may be reappointed to additional terms. The Committee shall hold regularly scheduled meetings, with notice posted in the City's official newspaper.

(6) Fees.

(A) The Director is hereby authorized and directed to establish and collect an annual permit fee to be paid by each permit holder. This fee is ~~*initially*~~ established at $*60*~~*30*~~ for each newsrack box, including each split newsrack box. The Director has determined that ~~*this fee is*~~

~~*not expected to generate proceeds in excess of the costs anticipated to be incurred in implementing this section during the first year that this section is in effect. In future years,*~~ the anticipated annual revenue from this fee *within any particular year* shall not exceed the actual costs incurred by the Director for implementation, administration and enforcement of the program during th*at year*.~~*e preceding twelve (12) months*~~. The fee shall only be used to cover such costs, and not as a revenue-generating source for the City. The fee adopted pursuant to this provision shall be uniformly imposed upon all permit holders based upon the number of newsrack boxes authorized for each permit holder. The fee shall not exceed the pro-rata share allocated to each newsrack box of the actual costs incurred in implementing, administering, and enforcing the program established under this section.

(B) The fee shall be reviewed annually by the Director, who shall propose to the Board of Supervisors any recommended adjustments, along with written justification for the adjustment and any necessary legislation. In any year where the Director anticipates that the revenue from fees will exceed the estimated administrative costs, less penalties, during that year, the Director shall recommend an adjustment reducing the fee. Where the proceeds from the fee are less than the estimated costs of program administration, less penalties, the Director may recommend an adjustment. In proposing adjustments, the Director shall take into account the anticipated penalties and other charges to be collected from violators during the forthcoming year. These proceeds shall be used to offset program administration and enforcement costs that would otherwise be defrayed by fees imposed during the forthcoming year so that the fees, including any surplus from the prior year, do not exceed the projected actual costs of administering the program. For any year in which the fee proceeds exceed actual administration, inspection and abatement expenses, such surplus shall be taken into account in fixing the fee for the subsequent year.

(e) PERMIT REQUIREMENT.

(1) Fixed Pedestal Permit. Permits are necessary to facilitate the regulation and inspection of newsrack boxes for the purposes set forth in this section. Except where this section or the guidelines expressly provide otherwise, no person may place any publication in any newsrack box in a fixed pedestal unit on a public sidewalk, street or public right-of-way in a fixed pedestal zone for the purpose of sale or distribution without having first obtained from the Director a fixed pedestal permit authorizing placement of the publication in that newsrack box.

(2) Duty to Obtain Permit. Except where this section or the guidelines expressly provide otherwise, each publication seeking access to a newsrack box or boxes in a fixed pedestal unit or cluster of fixed pedestal units shall apply to the City or a fixed pedestal permit for each newsrack box in each fixed pedestal unit to which the publication seeks access. The permit holder shall be responsible for the payment of all fees or penalties due or imposed udder this section with respect to that permit holder's newsrack box(es). Once a permit has been granted pursuant to this section and the requirements of the guidelines, and if the permit has not subsequently been revoked, the permit holder shall not be required to renew or reapply for another fixed pedestal permit for the same newsrack box.

(3) Application. Application for a fixed pedestal permit shall be made in writing on a form and in a manner provided by the City and filed with the Director or by other medium approved by the Director. The application package shall inform the applicant of the requirements of this section and the guidelines promulgated under this section.

(4) Permit Issuance.

(A) The Director shall grant or deny a properly completed and timely application for a fixed pedestal permit from a publication, or from the agent for a publication, accompanied by written authorization from the publication, as specified in the guidelines, within fifteen (15) business days of the Director's receipt of the application. However, if the Director has not completed the application of the space allocation procedures set forth in subsection 184.12(h) and the guidelines, the Director shall have an additional five (5) business days to grant or deny the application.

(B) The Director shall issue the fixed pedestal permit unless the Director finds one or more of the following grounds for denial to exist, in which case the Director shall deny the application for a permit. The grounds for denial of an application for a fixed pedestal permit are: (i) the application is incomplete; (ii) the application was not submitted on time; (iii) space in the newsrack box that is the subject of the application is not available after application of the space allocation procedures set forth in subsection 184.12(h) and the guidelines; or (iv) the publication that applied for the permit has failed to pay any outstanding administrative penalties levied against it pursuant to subsection 184.12(k)(1)(A). If an application is denied, the Director shall notify the applicant promptly in writing, explaining the reasons for the denial, and citing the relevant portions of this subsection and the guidelines.

(5) Violations. Failure to comply with any requirement of this section, or any requirement of the guidelines authorized by this section, shall constitute a violation of this section. Any such violation may be cause for removal of the offending freestanding newsrack or unauthorized fixed pedestal unit, or disabling of the offending newsrack box pursuant to subsection 184.12(j), and for the imposition of administrative penalties pursuant to subsection 184.12(k).

(6) Permit Revocation.

(A) The Board of Supervisors specifically determines that any fixed pedestal permit issued pursuant to this section confers a non-transferable, revocable privilege upon the permit holder. Where one or more of the grounds for revocation specified in subparagraph (B) exist, the Director shall promptly initiate such revocation in order to ensure that space in the fixed pedestal unit is made available to another publication that will lawfully use it, including publications that did not receive such space during initial implementation in the fixed pedestal zone in which the fixed pedestal unit in question is located. Any such permit may be revoked by the Director fifteen (15) business days after the Director provides written notice to the permit holder that one or more of the grounds for revocation specified in subparagraph (B) exist, if the permit holder does not correct all of the violations on or before the close of the fifteenth (15th) business day. If the permit is revoked, the Director shall notify the permit holder promptly in writing, explaining the reasons or the revocation, and citing the relevant portions of this subsection and the guidelines.

(B) The grounds for revocation of a fixed pedestal permit are: (i) the permit holder did not submit the required permit fee, as specified in the guidelines, within ten (10) business days of the Director's approval of the voluntary space allocation agreement or of the space allocation meeting at which the permit holder was allocated the newsrack box that is the subject of the permit; (ii) the permit holder did not submit the required annual fee on time; (iii) the newsrack box that is the subject of the permit has been vacated pursuant to subsection 184.12(j)(3)(D); (iv) the newsrack box that is the subject of the permit has been abandoned pursuant to subsection 184.12(b)(1); or (v) the Director's decision to grant the permit was successfully challenged by a person aggrieved by the determination pursuant to subsection 184.12(m) and the guidelines. In addition, the Board of Supervisors may at any time in its exclusive legislative discretion elect to repeal or amend this section and thereby render null and void any permits issued pursuant this section.

(f) ESTABLISHMENT OF FIXED PEDESTAL ZONES.

(1) Fixed Pedestal Units Restricted. No person shall place, operate or maintain a fixed pedestal unit on any public street, public sidewalk or public right-of-way located in a fixed pedestal zone except in accordance with a vendor contract. Any unauthorized fixed pedestal unit which in whole or in part is attached to or rests upon a public street, public sidewalk or public right-of-way located in a fixed pedestal zone shall be subject to impoundment pursuant to subsection 184.12(j). The owner of any unauthorized fixed pedestal unit properly impounded by the Director under subsection 184.12(j) shall be responsible for restoring the sidewalk to its original condition by replacing the concrete or other material in accordance with Section 703.2 of the Public Works Code.

(2) Freestanding Newsracks Prohibited. No person shall place, operate or maintain a freestanding newsrack on any public street, public sidewalk or public right-of-way located in fixed pedestal zone, or located within fifteen feet (15') of any fixed pedestal unit that is located in a fixed pedestal zone. Any freestanding newsrack which in whole or in part or rests upon a public street, sidewalk or right-of-way located in a fixed pedestal zone, or located within fifteen feet (15') of any fixed pedestal unit that is located in a fixed pedestal zone, shall be subject to impoundment pursuant to subsection 184.12(j).

(3) Fixed Pedestal Zones.

(A) The Director is authorized to establish one or more fixed pedestal zones within the City subject to the following requirements:

(i) The Director shall determine the location of fixed pedestal zones in compliance with, and consistent with the purpose and intent of, this section and the guidelines. Subject to subsection 184.12(f)(3)(A)(iii), such zones generally shall be established only in areas of the City which have one or more of the following: extensive public transit service, usage, and/or facilities; large concentrations of freestanding newsracks; or large numbers of pedestrians.

(ii) The Director shall not establish a fixed pedestal zone in any area of the City unless, within the immediately preceding twenty-four (24) months, the Director has completed a survey of that area and made that survey publicly available reasonably promptly upon its completion, and no later than the establishment of the fixed pedestal zone. Each such survey shall be completed reasonably promptly after it is begun.

(iii) Where a fixed pedestal zone would not otherwise contain sufficient space to install fixed pedestal units sufficient to accommodate those publications which the survey shows to be historically present in that zone, in accordance with this section and the guidelines, the Director shall establish or amend the zone to include adjoining portions of intersecting side streets, or adjacent portions of the street on which the zone was established (including where the zone was established only on one side of a street, portions of the other side of that street), as necessary to increase the space available in the zone for fixed pedestal units to accommodate such publications, if reasonably possible.

(iv) Except as this section or the guidelines provide otherwise, the Director shall establish fixed pedestal zones following consultation with the Newsrack Advisory Committee. Each zone shall be deemed established as of the date the Director publishes notice of the zone's location in the City's official newspaper following such consultation.

(B) Subject to the requirements of this section, the guidelines, and any vendor contract, initial implementation of this section within each fixed pedestal zone shall begin promptly after the Director establishes that zone. All aspects of initial implementation that require information contained in a survey, including the selection of fixed pedestal unit locations or the initial allocation of space in fixed pedestal units to historically present publications, shall only occur on the basis of a survey that was completed no more than twenty-four (24) months earlier.

(C) Not later than twelve (12) months after the Director first implements this section pursuant to subsection 184.12(l), and at least once every two (2) years thereafter, the Director shall issue a report in writing to the Board of Supervisors. This report shall address the implementation of this section, inform the Board of the effectiveness of the existing Fixed Pedestal Zones, and make any recommendations and include proposed legislation regarding changes that the Director believes are necessary, including, without limitation, any changes believed necessary to ensure that publications that did not receive space in fixed pedestal units in initial implementation are subsequently able to receive such space.

(g) LOCATIONS AND PLACEMENT OF FIXED PEDESTAL UNITS.

(1) General.

(A) All fixed pedestal units within a designated fixed pedestal zone shall be of a design designated by the Director and approved by the Art Commission pursuant to its authority under City Charter Section 5.103. The Director shall consider the factors set forth in subsection 184.12(a)(5) in selecting designs for fixed pedestal units.

(B) The Director shall monitor the installation and maintenance of fixed pedestal units and newsrack boxes in fixed pedestal zones.

(2) Selection of Fixed Pedestal Unit Locations.

(A) Initial Units. During initial implementation in each fixed pedestal zone, the locations of fixed pedestal units in that zone shall be selected, so that to the extent reasonably possible and in compliance with this section and the guidelines, (i) publications that are historically present at corner areas (as defined in Section 184.12(b)(10)) may receive space in fixed pedestal units located in that zone as close as reasonably possible to, and no more than seven feet (7') from, the curb corner, excluding space taken up by intervening street furniture; (ii) publications that are historically present at midblock areas (as defined in Section

184.12(b)(10)) may receive space in fixed pedestal units in that zone located as close as possible to the midblock locations of their former freestanding newsracks; and (iii) the number of newsrack boxes at each fixed pedestal unit location equals the number of freestanding newsracks historically present at each such location. Notwithstanding the foregoing sentence, initial implementation, including the selection (fixed pedestal unit locations, in a fixed pedestal zone may occur even if the objectives stated subsections (i),(ii), and/or (iii) of the foregoing sentence cannot be wholly achieved, in which case those objectives will be achieved to the extent reasonably possible consistent with this section and the guidelines. Fixed pedestal unit locations shall be selected in accordance with the requirements of the guidelines and with the following requirements:

(i) Each publication shall have a reasonable opportunity to submit a proposal (a "plan") to the Director proposing fixed pedestal units at locations situated pursuant to Section 184.12(g)(2)(A), at which the publication is historically present within the fixed pedestal zone, according to the survey. If at least three-quarters (3/4) of the publications that are historically present at a location in the survey do not collectively submit a single plan concerning that location, the Director may select a location or locations for fixed pedestal units to replace the freestanding newsracks at that location in accordance with Section 184.12(g)(2)(A). Any plan submitted by any publication(s) may include one or more proposed locations.

(ii) The Director may amend or reject all or part of a plan submitted by at least three-quarters (3/4) of the publications that are historically present at a particular survey location only if the plan fails to comply with this Section and the guidelines. If the Director amends or rejects all or part of such a plan, he shall explain the basis for the amendment or rejection in writing, citing the portions of this Section and/or the guidelines upon which he relies, and shall afford those publications a reasonable opportunity to revise their plan to address the grounds for such amendment or rejection. If those publications do not do so, the Director may determine the locations of fixed pedestal units as to which he amended or rejected the publishers' plan provided such determination is in compliance with this Section and the guidelines.

(iii) If at least three-quarters (3/4) of the publications that are historically present at a particular survey location revise their plan to address the grounds for the Director's amendment or rejection thereof within a reasonable time, and those publications and the Director cannot agree on locations for fixed pedestal units in the zone following such revisions, the locations in dispute may be resolved by the Newsrack Advisory Committee in accordance with all requirements of this section, the guidelines, and the vendor contract, if and only if the Director receives a request for such Newsrack Advisory Committee review submitted by at least three-quarters (3/4) of the publications that are historically present at the survey location in dispute. The Committee's determination (or, if the Committee fails to promptly decide, the Director's most recent determination) shall constitute the City's final administrative determination. Any party may bring a court reporter to any such Committee meeting and record a transcript of the meeting.

(B) Petition Units. After initial implementation within a fixed pedestal zone has been completed, any publication may submit a petition to the Director requesting the installation of an additional fixed pedestal unit be installed at a location specified in the petition. Other interested publications may submit a proposal for the location of the petition unit to the Director. If the Director receives a proposal for the location of the petition unit from at least three-quarters (3/4) of the interested publications (including the petitioner) that complies with this section and the guidelines, the location set forth in such proposal shall be the proposed location or purposes of locating the petition unit. If the Director does not receive such a proposal, the location proposed in the petition shall be the proposed location for purposes of locating the petition unit. The location of each petition unit shall be determined in accordance with procedures contained in the guidelines. If the location as thereby determined is consistent with the requirements of this section and the guidelines, the Director shall authorize the installation of the fixed pedestal unit at the specified location. The Director shall deny any petition under this paragraph that would violate the maximum density levels set forth in the guidelines, or that would cause the total number of fixed pedestal units to exceed the number of fixed pedestal units available under any vendor contract. However. the Director shall not deny any petition that complies with Section 184.12 and the guidelines on the ground that one or more fixed pedestal units are being held in reserve.

(C) Relocated Units. In the event that the vendor initiates relocation of any fixed pedestal unit due to excessive repair costs pursuant to the vendor contract, the Director shall promptly select the location to which the unit shall be relocated and reconfigure the fixed pedestal zone to exclude the area from which the fixed pedestal unit is being relocated, as set forth in the guidelines. The Director shall maintain a list of potential locations for such purpose.

(D) Reserve Units. To accommodate the installation of additional fixed pedestal units after initial implementation, and to respond to changing conditions and publications that may seek distribution space in fixed pedestal units in the future, the Director shall implement this section in a manner that maintains some of the fixed pedestal units authorized under a vendor contract in reserve. Such reserve shall be numerous enough to allow the maximum number of fixed pedestal units that can be installed in existing fixed pedestal zones in compliance with this section and the guidelines, to be installed in those zones. No request, petition, or plan for a fixed pedestal unit that complies with this Section and the guidelines shall be denied on the ground that one or more fixed pedestal units are being held in reserve.

(h) ALLOCATION OF SPACE WITHIN FIXED PEDESTAL UNITS.

(1) General.

(A) Except as this section or the guidelines expressly provide otherwise, no publication that has obtained a space in a fixed pedestal unit or cluster of fixed pedestal units may receive a second space in that unit or cluster until all other publications that have applied for space in that unit or cluster of units have had the opportunity to select a space.

(B) Notwithstanding any other provision in this Section, (i) no publication may receive more than one newsrack box per fixed pedestal unit or cluster of fixed pedestal units on the basis of historical presence, and (ii) a publication's use of more than one freestanding newsrack at a particular area prior to initial implementation shall not be a ground for that publication to receive more than one newsrack box on the basis of historical presence.

(2) Initial Implementation. During initial implementation throughout a fixed pedestal zone, space in each fixed pedestal unit or cluster of fixed pedestal units in that zone shall be allocated as follows:

(A) If possible, publications that have applied for space in such a unit or cluster shall agree unanimously among themselves with respect to allocation of space in the fixed pedestal unit(s).

(B) Absent such agreement, the Director shall allocate space in the unit or cluster among publications that have applied for such space as follows:

(i) First priority shall be given to publications that were historically present in the area (as defined in Section 184.12(b)(10)) in which were located the freestanding newsracks that the fixed pedestal unit or cluster of fixed pedestal units is intended to replace.

(ii) Second priority, in the case of fixed pedestal units) that are located at a corner area (as defined in Section 184.12(b)(10)), shall be given to those publications that were historically present in the immediately adjacent midblock area. Second priority, in the case of fixed pedestal unit(s) that are located at a midblock area (as defined in Section 184.12(b)(10)), shall be given to those publications that were historically present in the immediately adjacent corner area.

(iii) Third, priority shall be given to all other publications that have applied for space in the fixed pedestal unit or cluster of fixed pedestal unit, including, subject to Section 184.12(h)(1)(a) publications that were historically present at that area or an immediately adjacent midblock area but have already received one newsrack box in that unit or cluster on the basis of such historical presence.

(iv) The Director shall implement this allocation scheme as to fixed pedestal units located at corner areas before doing so at immediately adjacent midblock areas. In implementing this allocation scheme as to each fixed pedestal unit or cluster of fixed pedestal units, the Director shall conduct a meeting at which each publication in each category, beginning with category (i), historically present publications, may select a newsrack box in a given fixed pedestal unit or cluster until all newsrack boxes have been selected. If any newsrack boxes remain unselected after each publication in category (i) that so desires has chosen a newsrack box in that fixed pedestal unit or cluster, each publication in category (ii) shall select a newsrack box until all newsrack boxes have been selected or each publication in category (ii) that so desires has chosen a newsrack box in that fixed pedestal unit or cluster, and so forth through category (iii). The publications in each category may agree among themselves as to the order they will follow in selecting newsrack boxes; if they are unable to agree, publications in categories (i) and (ii) shall select according to survey order, and publications in category (iii) shall select according to such order as the Director determines by lots.

(3) Petition Units. Space in each petition unit shall be allocated as follows:

(A) If possible, publications seeking space in a petition unit shall agree unanimously among themselves with respect to the allocation of space in the unit.

(B) Absent such agreement, the Director shall allocate space in the unit as follows:

(i) First priority shall be given to each publication that was historically present in the zone, according to the most recently completed survey of that zone, and that, during initial implementation in that zone, sought but did not receive the maximum number of newsrack boxes that could be allocated to it on the basis of historical presence, in accordance with this section and the guidelines.

(a) To receive first priority, each such publication, within twelve (12) months before the Director received the petition, must have been distributed from a freestanding newsrack that, according to the most recently completed survey of that zone, was located on the same block face as, or a block face that immediately adjoins and is on the same street and same side of the street as, the block face on which the petition unit will be located, and that has not previously been used successfully as a basis for first priority in space allocation in any petition unit.

(b) Within the group of publications described in subsection 184.12(h)(3)(B)(i), publications shall select space in the petition unit based on frequency of publication, with all publications published at least once per week choosing first, followed by all publications published less often than once per week but more often than once per month, followed by all publications published once per month or less frequently. Within each such frequency category, publications shall select space in the petition unit in any mutually agreed upon order, or, absent such agreement, in an order determined by lots.

(ii) Second priority shall be given to all other publications that have applied for space in the petition unit.

(a) The order it which such publications shall select space in the petition unit shall be determined according to Section 184.12(h)(3)(B)(i)(b).

(b) Notwithstanding subsection (a), above, if any such publication already occupies at least one newsrack box in a fixed pedestal unit located either on the same block face as the petition unit ("the petition block face"), the block face(s) immediately across the street from the petition block face, or either of the two block faces that immediately adjoin and are on the same street and same side of the street as the petition block face, that publication shall not select space in the petition unit until all other publications that have applied for space in the petition unit have received at least one such space.

(4) Abandoned Newsrack Boxes. When a newsrack box in an already installed fixed pedestal unit has been abandoned or otherwise becomes available for reallocation, space in that newsrack box shall be allocated in the same manner as space in a petition unit, provided that:

(A) Such a newsrack box may not be re-allocated to the publication that occupied it immediately before such re-allocation, unless no other publication seeks space in that newsrack box; and

(B) The twelve (12) month period within which a historically present publication must have used a freestanding newsrack in order to obtain first priority in such allocation shall consist of the twelve (12) months before the newsrack box became available for re-allocation.

(5) Relocated Fixed Pedestal Units. Space in a fixed pedestal unit that has been relocated due to excessive repair costs pursuant to s vendor contract shall be allocated in the same manner as space in a petition unit, provided that the twelve (12) month period within which a historically present publication must have used a freestanding newsrack in order to obtain first priority in such allocation shall consist of the twelve (12) months before the Director selects the location at which the fixed pedestal unit shall be installed.

(6) Split Door Newsrack Boxes.

(A) Newsrack boxes may be split into two separate distribution areas to distribute free publications, including those historically present free publications that sought but did not receive the maximum number of newsrack boxes that could be allocated to them on the basis of historical presence, in accordance with this section and the guidelines.

(B) Space within split newsrack boxes shall be allocated consistent with the guidelines, provided that:

(i) Any free publication may elect to designate a newsrack box in which space has been assigned to it as a split door newsrack box, so long as one-half of the split door newsrack box is continuously used to distribute that publication ("the primary publication").

(ii) The other half of the split door newsrack box may be used to distribute the primary publication, or to distribute any other free publication published by publisher of the primary publication ("a secondary publication"), regardless of the secondary publication's frequency of publication or when the secondary publication was first published or distributed.

(iii) The publisher of the primary publication may substitute any one of its free publications (including the primary publication) for another as the secondary publication, consistent with this section and the guidelines, so long as one-half of the split box is continuously used to distribute the primary publication.

(i) STANDARDS FOR DESIGN, MAINTENANCE AND DISPLAY. The vendor and permit holders shall comply with the following requirements. Failure to comply with any of these requirements shall constitute a violation of this section, and shall be grounds for imposition of penalties in accordance with subsections 184.12(j) and 184.12(k).

(1) Except as this subsection or the guidelines provide otherwise, and subject to Section 184.12(d)(3)(O) with respect to the current provisions of the "First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel. Inc.," the vendor shall be responsible for ensuring that all fixed pedestal units and newsrack boxes under its control are in compliance with the following requirements:

(A) Every fixed pedestal unit and newsrack box shall be maintained in a neat and clean condition and in good repair at all times. The vendor shall be responsible for inspecting fixed pedestal units and newsrack boxes under its control to ensure compliance with this section no less than once per day Monday through Friday;

(B) Every fixed pedestal unit and newsrack box shall be constructed, installed and maintained in a safe and secure condition;

(C) Every fixed pedestal unit and newsrack box shall be kept free of graffiti and rust, and shall be repaired on a regular basis;

(D) Fixed pedestal units or newsrack boxes that are damaged or defaced shall be replaced, repaired or removed within ten (10) business days from the date of written notice from the Director;

(E) Except as authorized pursuant to a vendor contract with respect to advertising panels and names and logos of the vendor and/or any entities with whom it has contracted for services to performance of said contract, no fixed pedestal unit or newsrack box shall be used for advertising signs or publicity purposes other than for the advertising, identification, promotion, display, sale or distribution of the newspaper(s) or other publication(s) distributed from it;

(F) Where a vendor is authorized to place advertising on fixed pedestal units, the vendor shall comply with the following requirements:

(i) Advertising shall be placed only on the back side of fixed pedestal units, and only on such units dispensing six or more publications;

(ii) Advertising on any individual fixed pedestal unit shall be less than eighteen (18) square feet in area;

(iii) No portion of the advertising shall extend above the top edge of the fixed pedestal unit;

(iv) Each fixed pedestal unit containing advertising shall have a sign adjacent to such advertising that states in typeface at least one inch high, the following disclaimer:

ADVERTISING ON THIS NEWSRACK IS NOT CONTROLLED BY, AND MAY NOT REFLECT THE VIEWS OF, ANY OF THE PUBLICATIONS DISTRIBUTED WITHIN.

(v) The letters comprising the above disclaimer shall be printed in white reflective lettering against a black disclaimer background. The disclaimer shall be centered above or below any panel containing such advertising.

(2) The permit holder shall comply with the following requirements:

(A) In any circumstances where the permit holder decides to vacate a location, the permit holder shall promptly notify the Director and the vendor of the intention to vacate the location;

(B) All coin-operated newsrack boxes shall be equipped with a coin-return device that is maintained in good repair and working order to enable persons to secure full refunds if they are unable to receive the publication paid for. In the case of coin-operated newsrack boxes, the permittee shall be responsible, at its own cost, for the following, unless it timely elects to have the vendor assume such responsibility pursuant to the vendor contract:

(i) For maintenance, repair, and replacement of all hardware related to the charging or coin mechanism or to the security of coins, including all locks and keys;

(ii) For remedying any problem with the functionality of the door of its newsrack box where such remedy requires access to any coin mechanism panel, or access to or repair of any hardware relating to the charging or coin mechanism: and

(iii) For any changes to, or replacement or resetting of, any mechanism necessary to effect a change in the price of a publication distributed from the newsrack box.

(C) Where a vendor contract authorizes any publication to perform or to receive reimbursement from the vendor for any repair, maintenance, or replacement of any part of a fixed pedestal unit, each publication exercising such authority shall comply with all conditions or restrictions on such authority as may be stated in this section, the guidelines, and the vendor contract. Except as otherwise provided in the vendor contract, each publication shall use only vendor-approved parts, cleaning products, and methods to perform any repair, maintenance or replacement of any part of a fixed pedestal unit authorized by that vendor contract.

(D) Except as otherwise authorized by this subsection or the guidelines, and except as authorized pursuant to a vendor contract with respect to advertising panels and names and logos of the vendor and/or any entities with whom it has contracted for services in performance of said contract, no newsrack box shall be used for advertising signs or publicity purposes other than for the advertising, display, sale or distribution of the newspaper(s) or other publication(s) distributed from it. Consistent with the guidelines, each publication may display its name on a specified area on the front of its newsrack boxes, on the side of any fixed pedestal unit in which it has received space in a newsrack box, and on the back of such units, where the backs of such units are not used to display advertising.

(E) Each newsrack box shall display the permit holder's name, street address (Post Office Box numbers will not be allowed), and phone number.

(F) Any permit holder distributing publications containing on the first or cover page material harmful to minors as defined in Section 313 of the California Penal Code, such that the harmful material is visible in the newsrack box, shall equip each newsrack box containing such publications with blinder racks so that the lower two-thirds (2/3) of the first or cover page is not exposed to view. The permit holder shall be responsible for the installation and maintenance of the blinder racks.

(3) The requirements of this subsection are not intended to alter the obligation of any vendor(s) or permit holders to comply, with all other applicable laws. Except as expressly stated otherwise, no provision of this section, the guidelines, or any vendor contract, including those provisions concerning the repair, maintenance, or replacement of any portion of any fixed pedestal unit or newsrack box, is intended to diminish any right or remedy that any party may have relating to damage to its property.

(4) To the extent any provision in a vendor contract requires any vendor to reimburse any publication for the publication's repair, maintenance, or replacement of any portion of a fixed pedestal unit or newsrack box, any publication denied reimbursement required under such provision may only bring suit against the vendor under this section, and only to obtain reimbursement for such repair, maintenance or replacement, but not attorneys' fees in such suit. Nothing contained herein or in the guidelines shall be construed to grant any publication contractual rights under a vendor contract.

(5) To the extent any provision in a vendor contract authorizes or requires the Director to decide any matter concerning a publication's authority to repair, maintain, or replace any portion of a fixed pedestal unit or newsrack box, or to obtain reimbursement from the vendor for such repair, Maintenance, or replacement, (i) the Director's decision concerning such matter shall be the City's final administrative decision, and (ii) any delay by the Director in making such decision or in otherwise complying with his obligations under such provision shall not prejudice any publication's right to the potential reimbursement provided by such provision.

(j) ENFORCEMENT; VIOLATIONS; HEARINGS.

(1) Newsracks posing an immediate danger to persons, vehicles or property. The Director is authorized to remove and impound without prior notice any newsrack that poses an immediate danger to persons, vehicles or property. Such removal and impoundment shall be in accordance with the notice and hearing procedures set forth below.

(A) Notice of Violation. Within twenty-four (24) hours after such removal, the Director shall by telephone notify the permit holder or owner of the removal. Within forty-eight (48) hours after removal, the Director shall notify the owner in writing of the removal and the reasons for removal. The notice shall also inform the owner of the right to request, either in writing or in person, within ten (10) business days of the date of the postmark of such written notice, a meeting with the Director to determine whether such removal was prosper.

(B) Meeting and Decision. Upon timely request, the Director shall provide such a Meeting by the close of the next business day following receipt of the request, unless the owner agrees to a later date. The proceeding shall be informal, but oral and written evidence may be offered. The Director shall give his or her decision in writing to the owner within three (3) business days after such meeting. If the Director finds that such impoundment was proper, the Director shall notify the owner that the impounded newsrack may be recovered following payment of a $200.00 administrative penalty pursuant to subsection 184.12(k). The owner of an unauthorized fixed pedestal unit shall also be responsible for restoring the sidewalk to its original condition pursuant to subsection 184.12(f)(1). If the Director finds that the impoundment was improper and/or that placement of the fixed pedestal unit or freestanding newsrack was lawful, the Director shall order the immediate release to the owner and reinstallation by the City at its expense of the fixed pedestal unit or freestanding newsrack without charge.

(C) Disposal of Impounded Newsracks. Unauthorized fixed pedestal units or freestanding newsracks that are not claimed within thirty (30) calendar days of impoundment shall be disposed of in a manner determined by the Director in accordance with state law.

(2) Unauthorized fixed pedestal units and any freestanding newsracks. The Director is authorized to remove and impound any unauthorized fixed pedestal units and any freestanding newsrack located in a Fixed Pedestal Zone in accordance with the following procedures.

(A) Notice of Violation and Impoundment. The Director shall post a notice of violation on the unauthorized fixed pedestal newsrack or freestanding newsrack, and shall use all reasonable efforts to immediately contact the owner of the newsrack or other responsible party by facsimile and telephone where this information is contained on the newsrack or is available from the Director's records. The notice attached to the newsracks, and any written notice transmitted to the owner, shall also inform the owner of the right to request, by facsimile, telephone or in person, by the close of business on the first business day following the date of the notice of violation, a meeting with the Director to determine whether the newsrack is in violation of this section. If the newsrack has not been removed, and the owner has not requested a meeting with the Director by the close of the next business day following the day that the notice of violation has been affixed, the Director may remove and impound the offending newsrack. Within forty-eight (48) hours after removal, the Director shall notify the owner in writing of the removal and the reasons for removal. If the owner did not request a meeting with the Director prior to removal of the newsrack, the notice shall also inform the owner of the right to request, either in writing or in person, within ten (10) business days of the date of the postmark of such written notice, a meeting with the Director to determine whether such removal was proper.

(B) Meeting and Decision. Upon timely request, the Director shall provide such a meeting by the close of the next business day following receipt of the request, unless the owner agrees to a later date. The proceeding shall be informal, but oral and written evidence may be offered. The Director shall give his or her decision in writing to the owner within three (3) business days after such meeting. If no meeting has been requested, and/or the Director finds that the impoundment was proper, the Director shall notify the owner that the impounded newsrack may be recovered following payment of a $200.00 administrative penalty pursuant to subsection 184.12(k). The owner of an unauthorized fixed pedestal unit shall also be responsible for restoring the sidewalk to its original condition pursuant to subsection 184.12(f)(1). If the Director finds that the impoundment was improper and/or that placement of the fixed pedestal unit or freestanding newsrack was lawful, the Director shall order the immediate release to the owner and reinstallation by the City at its expense of the fixed pedestal unit or freestanding newsrack without charge.

(C) Disposal of Impounded Newsracks. Unauthorized fixed pedestal units or freestanding newsracks that are not claimed within thirty (30) calendar days of impoundment shall be disposed of in a manner determined by the Director in accordance with state law.

(3) Other Violations. Any other violation of this section, or the guidelines promulgated under this section, by a permit holder or owner may be cause for disablement of the offending newsrack box(es), subject to the notice and hearing procedures set forth below.

(A) Notice of Violation. Before a newsrack box may be disabled under this subsection, the Director shall notify the permit holder or owner of the violation. The notice shall be in writing and shall state the nature of the violation. The notice shall give the permit holder or owner ten (10) business days from the date the postmark of such written notice to either remedy the violation or request a meeting before the Director. An additional notice shall be affixed to the offending newsrack box.

(B) Meeting and Decision. Upon timely request, the Director shall conduct the meeting within three (3) business days of receiving the request. The meeting shall be informal, but oral and written evidence may be offered. Thereafter, the Director shall give his or her decision in writing to the owner, permit holder or designated agent for notice, within three (3) business days after the meeting. Any action by the City with respect to the alleged violation shall be stayed pending the written decision of the Director following the meeting and resolution of any other appellate or review process initiated by the permit holder.

(C) Disablement of Newsracks. The Director may disable a newsrack box in accordance with this subsection, subject to the resolution of any appellate or review process initiated by the permit holder, following either (1) the written decision of the Director upholding the determination of a violation; or (2) where the permit holder or owner has neither requested a meeting nor remedied the violation within the time periods set forth above. A newsrack box that has been disabled may be recovered by the permit holder upon payment of a $200.00 administrative penalty imposed pursuant to subsection 184.12(k).

(D) Failure to Pay Penalties. Where the permit holder of, other publication authorized to occupy, a newsrack box that has been disabled fails to pay the administrative penalty specified in subparagraph (C) within thirty (30) calendar days, the newsrack box shall be considered as having been vacated, subject to the resolution of any appellate or review process initiated by the permit holder.

(k) ADMINISTRATIVE PENALTIES; OTHER REMEDIES.

(1) Administrative Penalties.

(A) Any fixed pedestal permit holder, or the owner of a freestanding newsrack or unauthorized fixed pedestal unit found to have violated any of the provisions of this section pursuant to subsection 184.12(j) shall receive a notice of violation in accordance with subsection 184.12(j)(1), 184.12(j)(2) or 184.12(j)(3). If a newsrack is impounded pursuant to section 184.12(j)(1) or is found to be in violation of this section following expiration of the time periods set forth in section 184.12(j)(2) or (j)(3), the permit holder or owner shall be subject to an administrative penalty of $200.00 per violation. A permit holder shall not be issued any additional permits until all outstanding administrative penalties levied against that permit holder under this subsection, after the expiration of all applicable notice, grace, and cure periods, and subject to resolution of any appellate or review process initiated by the permit holder, have been paid.

(B) The Director is responsible for charging and collecting any penalty or fee assessed pursuant to this subsection. The Director shall notify in writing the person or publication responsible for the violation of the cost of the penalty and declare that such costs are due and payable to the Treasurer of the City and County of San Francisco.

(C) Any person or publication who has been assessed administrative penalties may seek administrative review of such penalties and fees by filing an appeal with the Director that specifies in detail the basis or appeal. Within ten (10) days of the receipt of the appeal, unless extended by mutual agreement of the affected parties, the Director shall cause a hearing to be held before an impartial hearing officer. The decision of the hearing officer shall be final.

(2) Deposit of Penalties. Any administrative penalty received by the Treasurer of the City and County of San Francisco in accordance with the requirements of this subsection shall be paid into the Department of Public Works' Engineering and Inspection Fund, and shall be used only for the costs of administering and enforcing the requirements of this section and the guidelines promulgated under this section.

(3) Permit Suspension. Failure to pay any administrative penalties imposed pursuant to this subsection, or repeated refusal, following a minimum of three (3) written notices within thirty (30) days from the Director, to maintain newsrack boxes in compliance with this subsection and the Director's guidelines shall, after notice of the violation, and the expiration of all applicable notice, grace, and cure periods, and subject to resolution of any appellate or review process initiated by the permit holder, be cause for suspension of all of the permit holder's fixed pedestal permits in the Fixed Pedestal Zone containing the subject newsrack box(es) for a period not to exceed one hundred eighty (180) days.

(4) Other Remedies. The provisions of this section shall not limit any other remedies authorized by law.

(l) IMPLEMENTATION AND APPLICATION TO EXISTING NEWSRACKS. The Director is instructed to promptly phase in the implementation of this section in consultation with the Newsrack Advisory Committee. In order to accomplish this purpose, the Director is authorized to establish implementation areas within fixed pedestal zones and to establish dates by which all fixed pedestal units in the implementation areas shall be in compliance with the requirements of this subsection, and by which all freestanding newsracks and unauthorized fixed pedestal units shall be removed. The deadlines for compliance with this section and the Director's guidelines shall be prominently posted in the implementation areas not less than thirty (30) days prior to the date for initial implementation specified in the guidelines. Publications shall have ninety (90) days from the initial date specified in the guidelines to come into compliance with the provisions of this section and the guidelines promulgated under this section. Deadlines for compliance with these requirements shall be published in the City's official newspaper.

(m) APPEALS.

(1) (A) Unless otherwise provided herein or in the guidelines, any person other than a vendor who is aggrieved by and seeks review of a determination made by the Director pursuant to subsections 184.12(e)– (k), inclusive of this section must file with the Director a written request for review of the Director's decision by the Newsrack Advisory Committee. Such a request must be delivered to the Director not more than ten (10) business days following the issuance of the Director's decision. The Newsrack Advisory Committee shall consider the request at its next regularly-scheduled meeting, or at a special meeting held or this purpose before the next regularly-scheduled meeting, if the next regularly-scheduled meeting is not going to be held within ten (10) business days of the Director's receipt of the request, consistent with public meeting law requirements. At the meeting, the Newsrack Advisory Committee shall vote either to affirm or dissent from the Director's decision. The Newsrack Advisory Committee's vote shall be provided to the Director within two (2) business days. The Director shall have three (3) additional business days to render a final decision affirming or reversing his or her original determination. Such decision shall explain the Director's determination, including the facts relied on in the determination, with citations to any provisions of this Section and the guidelines upon which the Director relies.

(B) Review by the Newsrack Advisory Committee pursuant to subparagraph (A) shall be optional, at the election of the person aggrieved by the Director's determination. The election of such review shall not detract from any right of judicial review that may be available under applicable law, provided that if the person aggrieved by the Director's determination elects review by the Newsrack Advisory Committee, then that person waives any claim that the City did not provide him, her or it with a prompt administrative appeal or prompt judicial review during the period the matter is under review pursuant to subparagraph (A). If the person aggrieved by the Director's determination does not elect review by the Newsrack Advisory Committee, the Director's original determination shall constitute the Director's final decision.

(2) Following a final decision of the Director pursuant to subparagraph (1), any person other than a vendor who is aggrieved by a determination made by the Director granting, denying or revoking a permit pursuant to subsection 184.12(e) may file an appeal with the Board of Appeals in accordance with Part III, Section 8 et seq. of the San Francisco Municipal Code. The Board of Appeals shall set the hearing on the appeal not less than fifteen (15) days after the filing of the appeal, shall act on the appeal not more than thirty (30) days after such filing, and shall not entertain a motion for rehearing. These time limits may be extended by stipulation of the parties or order of the Board on good cause shown.

(3) The Board of Appeals shall determine whether the action taken by the Director was proper solely based on the provisions of this section and the Director's guidelines. If the determination of the Board differs from that of the Director, the Board shall, in a written decision, specify wherein there was error in interpretation of this section or the guidelines promulgated under this section, or abuse of discretion on the part of the Director, and shall

specify in its findings, as part of such written decision, the facts relied upon in arriving at its determination. The determination of the Board shall be final and conclusive.

(4) Any party to the appeal to the Board of Appeals who is aggrieved by the determination of the Board may seek judicial review of the Board's final decision in the Superior Court of California, County of San Francisco, by filing a petition for a writ of mandamus under Sections 1085 and/or 1094.5 of the California Code of Civil Procedure, as appropriate. The petition shall be heard and decided in accordance with all applicable statutes and rules, including Section 1094.8 of the Code of Civil Procedure and San Francisco Superior Court Uniform Local Rules of Court, Rule 8.16, revised July 1, 1999, both of which provide for expedited judicial review of the denial of a permit for an activity protected by the First Amendment. Pursuant to Section 1094.8(c) of the Code of Civil Procedure, the City hereby designates fixed pedestal permits as eligible for expedited judicial review pursuant to Section 1094.8.

(n) NOTICE PROCEDURES.

(1) All notices, consents, demands and other communications required or permitted to be given under this section shall be effective only if rendered or given in writing unless otherwise specified in this section, and shall be delivered either by (i) registered or certified mail; (ii) expedited messenger service; (iii) personal delivery to an authorized representative; (iv) facsimile; or (v) air courier addressed to the party or parties for whom intended at the addresses set forth in the party's applications or such other address as the intended recipient shall have designated in writing to the Director from time to time (provided, however, notice of change of address or facsimile number shall be effective only upon receipt).

(2) Notice to the City or the Director shall be addressed to the address specified for this purpose in the guidelines.

(3) All notices and other communications shall be deemed to have been rendered or given (i) if sent by registered or certified mail, on the date it is officially recorded as delivered to the intended recipient by return receipt or equivalent, and in the absence of such record of delivery, the effective date shall be presumed to have beefs on the fifth business day after the date when it shall have been deposited in the mail; (ii) if sent by expedited messenger service, on the date it is officially recorded by the messenger service carrier as delivered to the intended recipient; (iii) if personally delivered, upon receipt by an authorized representative; (iv) if by facsimile, one (1) hour after its transmission, if such time is during the hours of 9:00 a.m. and 5:00 p.m. in the place of its receipt or, if it is not, on the opening of business on the succeeding business day in place of the receipt, subject to having in fact been received in legible form; and (v) if sent by air courier, one (1) business day after delivery to an air courier for overnight expedited delivery.

(o) NATURE OF DIRECTOR'S DUTIES. It is the intent of the Board of Supervisors that the duties imposed upon the Director of Public Works by this section be directory in nature, and that as a result, the Director's failure to comply with a particular procedural step shall not invalidate any subsequent action by the Director to which the procedural requirement relates.

(p) LIMITATION OF LIABILITY. By adopting this section, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. This subsection shall not affect any rights that may be available under a vendor contract and shall not create any such rights.

(q) SEVERABILITY. If any provision, subdivision, paragraph, phrase or clause of this section or the application of this section is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this section. The Board of Supervisors declares that it would have passed each section, paragraph, sentence, clause or phrase of this section irrespective of the fact that any portion of this section could be declared unconstitutional, invalid or ineffective. This subsection shall not affect the terms of any vendor contract or the rights or obligations of any party to such a contract under such a contract.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ______________________
WAYNE SNODGRASS
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080765 **Date Passed:**

Ordinance amending Section 184.12 of the San Francisco Public Works Code to provide that the annual fee for a fixed pedestal permit shall be $60.

July 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick
Noes: 4 - Daly, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

July 22, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick
Noes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval

File No. 080765

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 22, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7-30-08
Date Approved

Mayor Gavin Newsom

Amendment of the Whole
In Committee
7/14/08

FILE NO. 080792 ORDINANCE NO. 145-08

[~~Repealing~~ Replacing the Emergency Response Fee, ~~Enacting an Access Line Tax, and Updating~~ with a general tax at the same rates and with the same exemptions and modernizing the Telephone Users Tax without changing the rate or exemption.]

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) ~~repealing Article 10A, Sections 750-770, to eliminate the Emergency Response Fee; (2)~~ adding Article 10B, Sections 780-786, to ~~add an Access Line Tax~~replace the current Emergency Response Fee with a general tax at the same rates and with the same exemptions; (2) repealing Article 10A, Sections 750-770 to eliminate the existing Emergency Response Fee; (3) amending Article 10 by adding Sections 721, 722, and 723, amending Sections 701, 703, 707.1, and 708, and repealing Sections 702 and 707.3, all to modernize and update the Telephone Users Tax without changing the tax rate or exemptions; and (4) amending Article 6, Section 6.1-1, to make conforming changes; and ratifying past collection of the Telephone Users Tax and the Emergency Response Fee.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained that pursuant to Article XIIIC of the Constitution of the State of California, the Board of Supervisors hereby submits this ordinance to the qualified electors of the City and County of San Francisco, at the November 4, 2008 general municipal election.

Be it ordained by the People of the City and County of San Francisco:

Section 1. **Findings.**

(a) ~~Repeal of~~ Replacing the Existing Emergency Response Fee ~~and Enactment of an Access Line~~ with a General Tax.

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(1) Since 1993, the City and County of San Francisco has imposed on telephone access lines an Emergency Response Fee ("ERF") to fund improvements to and operation of the City and County's 911 communication system.

(2) The ERF ordinance includes complex provisions to ensure that ERF revenues fund only "eligible project costs."

(3) To ease administration and provide budgetary flexibility, the City and County desires to replace the ERF with a general tax, the access line tax ("ALT") that would supply general fund revenues that could support emergency services, as well as other essential City services.

(4) To minimize disruption and confusion, the City and County desires to apply the ALT in the same manner as the ERF was applied.

(5) The ALT will be imposed at the current ERF monthly rates: $2.75 per access line, $20.62 per trunk line, and $371.15 per high capacity trunk line. Future increases should be limited to the inflation rate.

(6) As under the ERF, low-income telecommunications customers who receive discounted "Lifeline" telecommunications service are exempt from the ALT.

(b) **~~Update of~~ Modernizing the Telephone Users Tax.**

(1) Since 1970, the City and County of San Francisco has collected a Utility Users Tax on charges for telephone communications services (Telephone Users Tax or TUT).

(2) Telephone communications services have changed dramatically since 1970. Technology, carrier marketing plans, and federal and state regulation have changed significantly and continue to do so.

(3) The TUT should be modernized and clarified to include current technologies, accommodate future technologies, and reflect current marketing and regulatory realities.

Updating the TUT will ensure that users of various telephone communications services are treated equitably, regardless of the technology used.

(4) Updating the TUT in this way requires voter approval.

(5) The TUT rate will remain at 7.5%.

(6) Under an ordinance approved by voters in 1987, residential use of wireline (but not cellular or other wireless) communications service is exempt from the TUT. The updated TUT continues this exemption.

(7) The other existing exemptions from the TUT will also continue.

(8) The updated TUT will not apply to video programming services; digital downloads, such as music, books, ringtones and games; and Internet access services that federal law excludes from tax.

Section 2. Article 10A of the San Francisco Business and Tax Regulations Code, Sections 750-770, imposing the Emergency Response Fee (ERF), is hereby repealed in its entirety.

Section 3. The San Francisco Business and Tax Regulations Code is hereby amended by adding Article 10B, Sections 780 through 786, to read as follows:

ARTICLE 10B: ACCESS LINE TAX

SEC. 780. PURPOSE.

The tax imposed and levied by this Article is intended to provide revenue for such general fund services as may be determined by the Board of Supervisors including, without limitation, police, fire, and emergency services.

SEC. 781. DEFINITIONS.

When used in this Article, the following terms shall have the following meanings:

*(a) **Access Line.** "Access line" means any connection*~~or channel~~*, whether by wire or by wireless technology*~~, that provides access to a~~ from a customer location to a provider of *telephone communications* ~~service network.~~ services offered to the public for compensation. "Access line" includes the assignment of a 10-digit telephone number under the North American Numbering Plan for the purpose of providing telephone communications services, including without limitation voice over Internet protocol telephone communications services, using such telephone number.

*(b) **Billing Address.** "Billing address" has the meaning given in Article 10 of this Code.*

*(c) **High Capacity Trunk Line.** "High capacity trunk line" shall mean a trunk line with a capacity of at least 24 channels over a high capacity service*~~, such as a 1.544 Mb, T-1, or Integrated Services Digital Network (ISDN) Primary Rate Interface (PRI) line~~.

*(d) **Lifeline Service.** "Lifeline service" means discounted telephone communications service available to eligible low income residential customers.*

(e) ***Prepaid Calling Service.*** "Prepaid calling service" means the right to access telephone communications service, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount, without the provisioning of an access line.

(f) ***Post-paid Calling Service.*** "Post-paid calling service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service without the provisioning of an access line.

(g) ***Service Address.*** *"Service address" has the meaning given in Article 10 of this Code.*

~~(f)~~(h) ***Telephone Communications Service.*** *"Telephone communications service" has the meaning given in Article 10 of this Code.*

~~(g)~~(i) ***Service Supplier.*** *"Service supplier" means any person supplying an access line to any telephone communications service subscriber within the City and County of San Francisco or the billing agent of any such person.*

~~(h)~~(j) ***Telephone Communications Service Subscriber.*** *"Telephone communications service subscriber" means any person required to pay a tax under this Article.*

~~(i)~~(k) ***Trunk Line.*** *"Trunk line" means a line between a service supplier's switching device and a private branch exchange or automatic call distributing system, or other similar device, at a telephone communications service subscriber location, provided however that "trunk line" shall not include any such line which is marketed to customers and configured by the service supplier to deliver only calls to the subscriber location and cannot be used by the subscriber to originate outgoing calls from the subscriber location (e.g., direct inward dial lines).*

SEC. 782. IMPOSITION OF ACCESS LINE TAX.

(a) There is hereby imposed a tax as provided in this article on every person who subscribes to telephone communications services within the City and County of San Francisco, to the extent permitted by federal and state law. The tax shall apply to each access line within the city's tax jurisdiction, including, without limitation, access lines billed to a telephone account having a situs in the city, as permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. § 116 et seq. There is a rebuttable presumption that service billed to a billing address or provided to a service address in the city is used, in whole or in part, within the city's boundaries and that such service is subject to taxation

under this article. The tax shall not apply to a prepaid calling service or a post-paid calling service.

(b) The amount of the tax imposed by this section shall be paid, on a per-access-line basis, by the person paying for telephone communications service; however, no telephone communications service subscriber shall be required to pay more than $55,000 in tax per account per service location in any calendar year. The cost of wireless telephone communications services shall not be considered for purposes of this subsection (b). The cap established by this subsection shall be adjusted annually in accordance with the increase in the Consumer Price Index: All Urban Consumers for the San Francisco / Oakland / San Jose Area for All Items as reported by the United States Bureau of Labor Statistics, or any successor to that index, as of December 31st of each year, beginning with December 31, 2009, and such increase shall take effect when 1) notice of the increase is given by the Controller in the manner generally used by the Controller for notification of fee or tax changes and 2) such increase is approved by the Mayor and Board of Supervisors by resolution.

(c) Only one payment of the tax shall be required for any access line, trunk line or high capacity trunk line, notwithstanding that access lines of more than one person are used in furnishing telephone communications service to a telephone communications service subscriber.

SEC. 783. EXEMPTIONS.

Nothing in this Article shall be construed as imposing a tax upon the access lines of:

(a) A customer receiving Lifeline service; or

(b) A service supplier; or

(c) Coin-operated telephones; or

(d) A nonprofit hospital which is exempt from federal income tax under Section 501(a) of the United States Code; or

(e) A nonprofit educational organization which is exempt from income tax under Section 501(a) of the United States Code; or

(f) Any person when imposition of such tax upon that person would violate the Constitution of the United States or that of the State of California or preemptive federal or State law.

SEC. 784. TAX SCHEDULE.

The amount of the tax shall be $2.75 per month per access line, $20.62 per month per trunk line and $371.15 per month per high capacity line. These amounts shall be adjusted annually in accordance with the increase in the Consumer Price Index: All Urban Consumers for the San Francisco / Oakland / San Jose Area for All Items as reported by the United States Bureau of Labor Statistics, or any successor to that index, as of December 31st of each year, beginning with December 31, 2009, and such increase shall take effect 1) when notice of the increase is given by the Controller in the manner generally used by the Controller for notification of fee or tax changes and 2) such increase is approved by the Mayor and Board of Supervisors by resolution.

SEC. 785. COLLECTION OF TAX.

(a) The tax imposed by this Article shall be collected from the telephone communications service subscriber by the service supplier.

(b) The tax required to be collected by service suppliers under this ordinance shall be added to and stated separately ~~as the "San Francisco Access Line Tax"~~ *in the service supplier's billings to telephone communications service subscribers. The charge* ~~identified as the San Francisco Access Line Tax~~ in such billings *shall include only the amount authorized by this Article, and shall not include any additional charges or fees which may be imposed by the service supplier to recover the cost of collecting the tax.*

(c) Nothing in this Article is intended to regulate the ability of a service supplier to recover any costs of collecting the tax imposed under this Article, to the extent such that recovery may be authorized by state or federal law.

(d) Except as otherwise stated in this Article, the tax imposed by this Article shall be collected and remitted at the same time as and in the same manner as the tax imposed by Section 703 of Article 10.

SEC. 786. ADMINISTRATION OF TAX..

Except as otherwise stated in this Article, the tax imposed by this Article shall be administered in the same manner as the tax imposed by Section 703 of Article 10.

Section 4. The San Francisco Business and Tax Regulations Code is hereby amended by adding Sections 721, 722, and 723, amending Sections 701, 703, 707.1, and 708, and repealing Sections 702 and 707.3, to read as follows:

SEC. 701. ADDITIONAL DEFINITIONS.

When used in this Article, the following terms shall mean or include:

(a) "Ancillary Telephone Communications Services" shall mean services associated with or incidental to the provision, use or enjoyment of telephone communications services, including but not limited to:

(1) Services that link two or more participants in an audio or video conference call and that may include the provision of a telephone number.

(2) Services that provide telephone number information, and/or address information, or any other information that may assist in contacting another party via a telephone communications service.

(3) Services offered in connection with one or more telephone communications services which offer advanced calling features that allow customers to identify callers and to manage multiple calls and call connections.

(4) Services that enable customers to store, send or receive recorded messages including, without limitation, voice mail services.

(5) Services related to listing telephone communications service customer information in, or excluding such information from, a directory or database.

(6) Services that provide customer billing information in a detailed or alternative format.

(b) "Billing Address" shall mean the mailing address to which a telephone communications service supplier submits invoices or bills for payment by a service user.

(c)~~*(d)*~~ "Electrical corporation," "gas corporation," and "telephone corporation" shall have the same meanings as defined in Sections 218, 222 and 234, respectively, of the Public Utilities Code of the State of California.

(d) "Residential Telephone Communications Service" shall mean telephone communications service by a fixed line, wire or cable to a residential service address and includes voice over Internet Protocol (VoIP) service that cannot be used at locations other than the service user's residential service address. Residential telephone communications service excludes mobile telephone communications services including mobile VoIP service.

(e) "Paging Service" shall mean a telephone communications service that provides transmission of coded radio signals for the purpose of activating specific pagers; such transmissions may include messages and/or sounds.

(f) *"Service Address" shall mean the street address of a service user's primary place of usage.*

~~(f)~~(g)(~~*a*~~) "Service User" shall mean a person required to pay a tax imposed under the provisions of this Article.

~~(g)~~(h)(*b*) "Service Supplier" shall mean any person required to collect a tax imposed under the provisions of this Article.

~~(h)~~(i)(*e*) "Steam Corporation" shall mean and include every "heat corporation," as defined in Section 224 of the Public Utilities Code of the State of California, using steam to deliver heat.

~~(i)~~(j)(*e*) "Telephone Communications Services" shall mean ~~*access to a telephone system and the privilege of telephonic-quality communications with substantially all persons having telephone or radio telephone stations which are part of such telephone system. "Telephone communication services" shall not include land mobile services or maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations, as said Section existed on January 1, 1970. Notwithstanding this exclusion, "telephone communication services" shall include cellular telephone and enhanced specialized mobile radio communication services.*~~ *the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whatever the technology used, including without limitation wire, fiber optic, coaxial cable, power line transmission, light wave, laser, microwave, radio wave, satellite or any other form of wireless transmission, or any other technology now existing or developed after the adoption of this section, and whether or not such information is transmitted through interconnected service with the public switched network. Telephone communications service includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such service is referred to as voice over internet protocol (VoIP) service or is classified by the Federal Communications Commission as enhanced or value added, and includes video and/or data services that are functionally integrated with telephone communications service. Telephone communications service includes without limitation the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telephone communications services; mobile telephone* *communications service; paging service; and* ~~toll-free service~~800 service. *Telephone communications service does not include: internet access services to the extent they are exempt from taxation under the Internet Tax Freedom Act, 47 U.S.C. 151 note; video programming services; and digital downloads, such as downloads of books, music,* video, *ringtones, games and similar digital products.*

~~(j)~~(k) *"Telephone communications service supplier" shall mean any person who provides telephone communications service to a user of such service within the City, including, without limitation, use outside the City which is within the City's tax jurisdiction under the Mobile Telecommunications Sourcing Act, 4 U.S.C. § 116 et seq. The term includes any person required to collect or remit the tax imposed by Section 703, including the billing agent of such person.*

~~(k)~~(l)~~*(l)*~~ "Water Corporation" shall mean and include every corporation or person including the City and County owning, controlling, operating or managing any water system for compensation within the State of California.

(m) "800 Service" shall mean a telephone communications service that allows a caller to dial a toll-free number without incurring a charge for the call. "800 service" includes without limitation services marketed as "800," "855," "866," "877," and "888" toll-free calling, and any subsequent numbers designated by the Federal Communications Commission.

~~***SEC. 702. INTERPRETATION OF TELEPHONE USERS TAX.***~~

~~*(a) Since 1970, the City and County of San Francisco has collected a Utility Users Tax ("UUT") on telephone communication services. The City levies the UUT under the City's inherent powers as a charter city. Since 1992, the tax rate has been 7.50 percent (7 1/2%).*~~

~~(b) When first adopted, the UUT referenced the Federal Excise Tax, 26 United States Code § 4251 ("FET") as such Section existed on the effective date of the City's Ordinance. The FET applies, by its terms, to "local" and "toll" telephone services.~~

~~(c) The UUT referred to the FET for the purpose of identifying the types of telephone communication services that were subject to the UUT and the types of services that were exempt from the UUT. The reference to the FET also provided a convenience to telephone service providers, who were able to bill end use customers based on an existing tax base. The FET was not a basis or authority for the City's imposition of the UUT.~~

~~(d) In 1979, the IRS issued Revenue Ruling 79-404, which provided that toll telephone service that was billed based only on time was subject to the FET. Revenue Ruling 79-404 was consistent with the City's intent to apply the UUT to toll telephone service, regardless of how carriers elected to bill for such service. The IRS reaffirmed Revenue Ruling 79-404 in Notices issued in 2004 and 2005.~~

~~(e) On May 25, 2006, the United States Treasury Secretary issued Revenue Notice 2006-50, announcing that the Internal Revenue Service ("IRS") would no longer interpret the FET to apply to toll telephone service that was billed on the basis on time only, and not on the basis of both time and distance. Revenue Notice 2006-50 reversed 27 years of administrative interpretation and practice of the IRS as it related to toll telephone service. As a result of Revenue Notice 2006-50, the IRS no longer interprets the FET to apply to toll calls billed on the basis of time only, and to certain other "bundled" services.~~

~~(f) The City will continue to apply its UUT to all types of telephone communication services, including toll service, as it has historically and consistently done.~~

~~(g) The City will continue to recognize and retain the exemptions that existed in the FET prior to Revenue Notice 2006-50.~~

~~(h) The City will not apply the UUT to any telephone communication services that were not subject to the UUT prior to the issuance of Revenue Notice 2006-50.~~

~~*(i) These amendments do not increase the tax or create a new tax on telephone communication services.*~~

~~*(j) The procedure to refund any tax, interest or penalty that has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the City is set out in Business and Tax Regulations Code, Article 6, Common Administrative Provisions, Section 6.15-1, Refunds. The amendment to Section 714 clarifies that the reference to "this Code" in Section 714(a) refers to this process. It insures that the process of presenting a UUT claim is consistent with the required claims process for tax refunds in Section 6.15-1.*~~

SEC. 703. TELEPHONE USERS TAX.

(a) There is hereby imposed a tax upon every person, other than a telephone ~~corporation~~communications service supplier, ~~*using intrastate telephone communication services in the City and County. The tax imposed by this Section shall be on the charges made for such services, including minimum charges for services. The tax imposed by this Section shall be paid by the person paying for such services.*~~ *who uses telephone communications service in the city, including intrastate, interstate, and international telephone communications service, to the extent permitted by federal and state law. The telephone users tax shall apply to all charges for telephone communications service within the city's tax jurisdiction, such as charges billed to a telephone account having a situs in the city as permitted by the Mobile Telecommunications Sourcing Act of 2000, 4 U.S.C. § 116 et seq. There is a rebuttable presumption that telephone communications service billed to a billing address or provided to a service address in the city is used, in whole or in part, within the city's boundaries and that such service is subject to taxation under this article. There is also a rebuttable presumption that a telephone communications service sold within the city that is not billed to a billing address or provided to a primary physical location in the city is used, in whole or in part, within the city's boundaries and that such service is subject to taxation under this article.*

(b) As used in this Section, the term "charges" shall ~~*not include charges for services paid for by inserting coins in coin-operated telephones, except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due; nor shall the term "charges" include charges for any type of service or equipment furnished by a service supplier subject to Public Utility regulation during any period in which the same or similar services or equipment are also available for sale or lease from persons other than a service supplier subject to Public Utility regulation. The Telephone User Tax is intended to, and does, apply to all charges billed to a telephone having a situs in the City and County, irrespective of whether a particular telephone call originates and/or terminates within the City and County. In addition, effective September 1, 1993, the Telephone Users Tax is intended to, and does, apply to charges for cellular telephone service or enhanced specialized mobile radio communication service, when the service user has a billing address in the City and County.*~~ *include without limitation: charges for activation, connection, reconnection, termination, movement, or change of telephone communications service; late payment fees; access and line charges, whether or not imposition of such charges is mandated or authorized by a regulatory agency; universal service charges and any other charges designed to assist in expanding access to telephone communications service; and regulatory, administrative and other cost recovery charges. The term "charges" shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for telephone communications service.*

(c) The tax imposed by this Section shall be collected from the service user by the ~~*person providing the communications services*~~ *telephone communications service supplier*. ~~*The amount of the tax collection in one month shall be remitted to the Tax Collector on or before the last day of the following month.*~~

(d) *The following shall continue to be exempt from the tax imposed by this section:*

(1) *Residential telephone communications service;*

(2) *Any person or entity that is exempt from the tax imposed by this section under Article 6 or its successor;*

(3) *Service paid for by inserting coins in coin-operated telephones available to the public with respect to local telephone service, or with respect to long distance telephone service if the charge for such long distance telephone service is less than 25 cents; except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.*

(4) *News services. No tax shall be imposed under this section, except with respect to local telephone service, on any payment received from any person for services used in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for that service is billed in writing to that person.*

(5) *International, etc., organizations. No tax shall be imposed under this section on any payment received for services furnished to a public international organization in which the United States participates pursuant to treaty or Act of Congress, or to the American National Red Cross.*

(6) *Servicemen in combat zone. No tax shall be imposed under this section on any payment received for any toll telephone service, which originates within a combat zone, as defined in Section 112 of Title 26 of the United States Code, from a member of the Armed Forces of the United States performing service in the combat zone, as determined under Section 112 of Title 26 of the United States Code.*

(7) Items otherwise taxed. Only one payment of tax under this section shall be required with respect to the tax on any service, provided, however, that a person claiming exemption under this section shall bear the burden to prove the city actually received the earlier payment of tax on that service.

(8) Common carriers and telecommunications companies. No tax shall be imposed under this section on the amount paid for any telephone communications service to the extent that the amount so paid is for use by a common carrier, telephone or telegraph company, or radio broadcasting station or network in the conduct of its business.

(9) Installation charges. No tax shall be imposed under this section on any amount paid for the installation of any instrument, wire, pole, switchboard, apparatus, or equipment as is properly attributable to the installation.

(10) Nonprofit hospitals. No tax shall be imposed under this section on any amount paid by a nonprofit hospital for services furnished to that organization. For purposes of this exemption, the term "nonprofit hospital" means a hospital referred to in Section 170(b)(1)(A)(iii) of Title 26 of the United States Code, which is exempt from federal income tax under Section 501(a) of Title 26 of the United States Code.

(11) State and local governments. No tax shall be imposed under this section upon any payment received for services or facilities furnished to the government of any State, or any of its political subdivisions, or the District of Columbia.

(12) Nonprofit educational organizations. No tax shall be imposed under this section on any amount paid by a nonprofit educational organization for services or facilities furnished to that organization. For purposes of this exemption, the term "nonprofit educational organization" means an educational organization described in Section 170(b)(1)(A)(ii) of Title 26 of the United States Code, which is exempt from federal

income tax under Section 501(a) of Title 26 of the United States Code. The term also includes a school operated as an activity of an organization described in Section 501(c)(3) of Title 26 of the United States Code, which is exempt from federal income tax under Section 501(a) of Title 26 of the United States Code, if that school normally maintains a regular facility and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

~~Notwithstanding the provisions of Subsection (a), the tax imposed under this Section shall not be imposed upon any person for using intrastate telephone communication services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed under Section 4251 of Title 26 of the United States Code, the Federal Communications Excise Tax, as such section existed on August 28, 1970, and as such section was interpreted by the Internal Revenue Service prior to Revenue Notice 2006-50.~~

(e) To prevent actual, multiple taxation of any telephone communications service subject to tax under this section, any service user, upon proof that the service user owed and has paid a tax in another taxing jurisdiction on the telephone communications service, shall be allowed a credit against the tax imposed by this section to the extent of the tax properly due and paid in the other taxing jurisdiction. However, no credit may be allowed for any tax paid to another taxing jurisdiction to the extent that the telephone communications service may not legally be made the subject of taxation by the other taxing jurisdiction, nor shall the amount of credit exceed the tax owed to the City under this section.

(f) If a non-taxable service and a taxable service are billed together under a single charge, the entire charge shall be deemed taxable unless the telephone communications service supplier or taxpayer reasonably identifies actual charges for services not subject to the tax. The telephone communications service supplier or taxpayer seeking a reduction has the burden

of proving the proper valuation and apportionment of taxable and non-taxable charges based upon books and records that are kept in the regular course of business and in a manner consistent with generally accepted accounting principles.

SEC. 707.1. UTILITY USERS TAX EXEMPTION.

(a) No tax shall be levied upon *residential telephone communications service or upon* the use in the City and County of San Francisco by residential customers of ~~*telephone communication services,*~~ electrical energy or gas, water or steam which is delivered through mains or pipes or of any other utility service after June 30, 1988.

(b) For the purposes of this Section, "residential customer" shall mean any customer paying for the utility service at a residential or domestic rate consistent with the rate schedule set by the California Public Utilities Commission or any other rate-making authority.

(c) This Section was adopted by the voters of San Francisco at the November 3, 1987 election and may be amended only by the vote of the electorate.

~~*SEC. 707.3. INTERSTATE TELEPHONE USERS TAX.*~~

~~*Commencing August 1, 1992, the tax set forth in Section 703 (telephone users) and Section 707.2, in addition to being imposed upon persons using intrastate telephone communication services, shall also be imposed upon every person, other than a telephone corporation, using interstate or international telephone communication services in the City and County. The tax imposed on the interstate or international telephone communication services shall be collected from the service user by the person providing such services. The amount of the tax collection in one month shall be remitted to the Tax Collector on or before the last day of the following month.*~~

SEC. 708. COLLECTION OF TAX.

(a) Unless prohibited by the laws of the United States or the State of California, or exempted by the provisions of this Code, every person using telephone *communications services*, electrical, water gas or steam services in this City and County shall be required to pay the tax imposed *in this Article and Article 10B* ~~herein~~ to the service supplier along with the charges made for such services. This obligation is not satisfied until the tax has been paid to this City and County, except that a receipt indicating payment of the service charges from a service supplier maintaining a place of business in this City and County or from a supplier who is authorized by the Tax Collector to collect the tax shall be sufficient to relieve the service user from further liability for the tax to which the receipt refers.

(b) Every service supplier maintaining a place of business in this City and County, and providing telephone *communications services*, electrical, water gas or steam services to a service user, not exempted under this Code shall, at the time of collecting the charges made for such services from the service user, also collect the tax *imposed by this Article and Article 10B* from the service user and on demand shall give to the service user a receipt therefor. In all cases in which the tax is not collected by the service supplier, as aforesaid, the service supplier shall be liable to the Tax Collector of the City and County for the amount of the tax due on the amount of taxable ~~rent~~ *service charges* collected from the ~~occupant~~ *service user* under the provisions of this Article *and Article 10 B*, the same as though the tax were paid by the service user. In all cases of transactions upon credit or deferred payment, the payment of tax to the Tax Collector may be deferred in accordance therewith, and the service supplier shall be liable therefor at the time and to the extent that such credits are paid or deferred payments are made in accordance with the rate of tax owing on the amount thereof.

The Tax Collector shall have the power to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax and such methods and schedules shall eliminate fractions of one cent.

(c) The tax*es imposed by this Article and Article 10B* shall be collected, insofar as practicable, at the same time as and along with the collection of charges made in accordance with the regular billing practice of the service supplier. If the amount paid by a service user is less than the full amount of the charges and tax which has accrued for the billing period, a proportionate share of both the charges and the tax shall be deemed to have been paid.

~~*Where a person receives more than one billing, one or more being for different periods than another, t*~~*T*he duty to collect shall arise separately for each ~~*billing*~~ period *for which a service supplier bills a service user*.

(d) The Tax Collector may issue administrative rulings identifying telephone communications services that are subject to the taxes imposed by section 703 of this article and article 10B. Such rulings shall be consistent with legal requirements and shall not impose a new tax, revise an existing tax methodology, or increase an existing tax, except as allowed by California Government Code section 53750(h)(2) and (3) or other law. To the extent that the Tax Collector determines that the taxes imposed under Section 703 or Article 10B shall not be collected in full for any period of time, such a determination falls within the Tax Collector's prosecutorial discretion to settle disputes. The Tax Collector's exercise of such forbearance under this section does not constitute a change in taxing methodology for purposes of Government Code section 53750(h), and the city does not waive or abrogate its ability to impose the taxes imposed by Section 703 or Article 10B in full as a result of such determinations and may suspend such determinations and recommence enforcement of the taxes without additional voter approval.

(e) A service supplier shall be obligated to collect and remit the tax imposed by Section 703 of this Article and Article 10B if it is "engaging in business within the City" as described in Article 6, Section 6.2-12.

SEC. 721. EFFECT OF STATE AND FEDERAL AUTHORIZATION.

To the extent that the city's authorization to impose or collect any tax imposed under Section 703 of this Article or Article 10B is expanded or limited as a result of changes in state or federal law, no amendment or modification of Section 703 or Article 10B shall be required to conform the taxes to those changes, and the taxes shall be imposed and collected to the full extent of the city's authorization up to the full amount of the taxes imposed under Section 703 and Article 10B.

SEC. 722. AMENDMENT OF ORDINANCE.

Article 6, Article 10 and Article 10B of the Business and Tax Regulations Code may be repealed or amended by the Board of Supervisors without a vote of the people except as follows: as required by Article XIII C of the California Constitution ("Proposition 218"), any amendment that increases the amount or rate of tax beyond the levels authorized by this Ordinance may not take effect unless approved by a vote of the people. The Board of Supervisors may impose the taxes authorized by Section 703 and Article 10B in any amount or rate which does not exceed the amount or rate approved by the voters.

SEC. 723. SEVERABILITY.

If any section, sentence, clause, phrase, or portion of Article 6, Article 10 or Article 10B is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of these Articles shall nonetheless remain in full force and effect. The people of the City and County of San Francisco hereby declare that they would have adopted each section, sentence, clause, phrase, or portion of these Articles, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of these Articles be declared invalid or unenforceable and, to that end, the provisions of these Articles are severable.

Section 5. Section 6.1-1 of the San Francisco Business and Tax Regulations Code is hereby amended to read as follows:

SEC. 6.1-1. COMMON ADMINISTRATIVE PROVISIONS.

(a) Except where the specific language of the Business and Tax Regulations Code or context otherwise requires, these common administrative provisions shall apply to Articles 6, 7, 9, 10, ~~*10A*~~, *10B,* 11, 12, 12-A and 12-B of such Code. *Any provision of this Article 6 that references or applies to Article 10 shall be deemed to reference or apply to Article 10B.*

(b) Unless expressly provided otherwise, all statutory references in this Article and the Articles set forth in Subsection (a) shall refer to such statutes as amended from time to time and shall include successor provisions. ~~*For purposes of collecting the Emergency Response Fee under Article 10A, any reference to a "tax" in this Article shall include the Emergency Response Fee where appropriate; provided, however that nothing in the operation of this provision shall affect the underlying legal character of the Emergency Response Fee or suggest that the fee is a tax.*~~

(c) For purposes of this Article, a domestic partnership established pursuant to Chapter 62 of the San Francisco Administrative Code shall be treated the same as a married couple.

Section 6. This Ordinance does not change the existing rate of any tax imposed under the Business and Tax Regulations Code.

Section 7. The voters of the City and County of San Francisco hereby ratify and approve the past collection of the Telephone Users Tax under Article 10 of the San Francisco Business and Tax Regulations Code, as enacted by Ordinance 287-70 and as subsequently amended, including without limitation, the amendments effected by Ordinance 224-06. The voters of the City and County of San Francisco hereby ratify and approve the past collection of the Emergency Response Fee under Article 10A of the San Francisco Business and Tax Regulations Code, as enacted by Ordinance 419-93 and as subsequently amended.

Section 8.

(a) Service suppliers obligated to collect and remit the taxes imposed by Section 703 of Article 10 or Article 10B of the San Francisco Business and Tax Regulations Code shall implement any changes required by this Ordinance in accordance with California Public Utilities Code Section 799. The Treasurer and Tax Collector may, in his or her sole discretion, reimburse service suppliers for any one-time costs they may incur to implement any changes required by this Ordinance, subject to the fiscal provisions of the San Francisco Charter.

(b) This Ordinance shall be effective only if approved by a majority of the voters voting thereon. This Ordinance, except Section 2, ~~and~~ shall go into effect ten (10) days after the official vote count is declared by the Board of Supervisors. Section 2 of this Ordinance, repealing Article 10A of the San Francisco Business and Tax Regulations Code, shall go into effect on the date that is 120 days after the official vote count is declared. The Treasurer and Tax Collector may, by administrative ruling, set an earlier date for Section 2 of this Ordinance to go into effect.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Julie Van Noster
Julie Van Nostern
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080792 **Date Passed:**

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) adding Article 10B, Sections 780-786, to replace the current Emergency Response Fee with a general tax at the same rates and with the same exemptions; (2) repealing Article 10A, Sections 750-770, to eliminate the existing Emergency Response Fee; (3) amending Article 10 by adding Sections 721, 722, and 723, amending Sections 701, 703, 707.1, and 708, and repealing Sections 702 and 707.3, all to modernize and update the Telephone Users Tax without changing the tax rate or exemptions; and (4) amending Article 6, Section 6.1-1, to make conforming changes; and ratifying past collection of the Telephone Users Tax and the Emergency Response Fee.

July 22, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 29, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080792

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 29, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

8·1·08

Date Approved

Mayor Gavin Newsom

Amendment of the Whole
In Committee
7/14/08

FILE NO. 080832 ORDINANCE NO. 146-08

[Real Property Transfer Tax]

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) amending Section 1102 to increase the Real Property Transfer Tax rate from 0.75% to 1.5% if the consideration for or value of the transfer exceeds $2 $5 million; (2) amending Section 1105 to reduce the tax on transfers of residential property by up to one third (1/3) if, after January 1, 2009, the transferor has installed an active solar system or made seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies~~,~~; (3) amending Section 1114 to clarify application of tax to transfers of ownership interests in legal entities that own real estate; and (4) amending Section 1108.3 to apply transfer tax to transfers of 35 year or longer leasehold interests.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

~~Be it ordained by the People of the City and County of San Francisco:~~

~~Section 1.~~ ORDAINED that ~~P~~pursuant to Article XIIIC of the Constitution of the State of California, the Board of Supervisors hereby submits this ordinance ~~shall be submitted~~ to the qualified electors of the City and County of San Francisco~~,~~ at the November 4, 2008 general municipal election and that this ordinance shall become operative only if approved by the qualified electors at such election.

Be it ordained by the People of the City and County of San Francisco:

Section 1~~2~~. The San Francisco Business and Tax Regulations Code is hereby amended by amending Section 1102, to read as follows:

SEC. 1102. TAX IMPOSED.

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There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City and County of San Francisco shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or her or their direction, when the consideration or value of the interest or property conveyed (not excluding the value of any lien or encumbrances remaining thereon at the time of sale) (i) exceeds $100 but is less than or equal to $250,000, a tax at the rate of $2.50 for each $500 or fractional part thereof; or (ii) more than $250,000 and less than $1,000,000, a tax at the rate of $3.40 for each $500 or fractional part thereof for the entire value or consideration, including, but not limited to, any portion of such value or consideration that is less than $250,000; or (iii) *more than* $1,000,000 and ~~above~~ *less than* ~~*$2,000,000*~~ $5,000,000, a tax at the rate of $3.75 for each $500 or fractional part thereof for the entire value or consideration, including, but not limited to, any portion of such value or consideration that is less than $1,000,000; *or (iv)* ~~*$2,000,000*~~ $5,000,000 *and above, a tax at the rate of $7.50 for each $500 or fractional part thereof for the entire value or consideration, including, but not limited to, any portion of such value or consideration that is less than* ~~*$2,000,000*~~$5,000,000. The People of the City and County of San Francisco authorize the Board of Supervisors to enact ordinances, without further voter approval, that will exempt rent-restricted affordable housing, as the Board may define that term, from the increased tax rate in subsection (iv).

Section 2. This Ordinance will not change any of the current tax rates in Section 1108 (i)-(iii) for transfers with a value or consideration less than $5,000,000.

Section 3. The San Francisco Business and Tax Regulations Code is hereby amended by amending Section 1105, to read as follows:

SEC. 1105. EXEMPTIONS.

Any deed, instrument or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this ordinance when the exempt agency is acquiring title. *Any deed, instrument or writing shall be exempt from up to one third (1/3) of any tax imposed pursuant to this ordinance if: (1) it transfers an interest in real property used as a residence; and (2) after January 1, 2009, the transferor has installed an active solar system, as that term is defined in Revenue & Taxation Code §73(b), or has made seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies, as those terms are defined in Revenue & Taxation Code §74.5(b), and the transferor has claimed and the Assessor has approved an exclusion from reassessment for the value of that system or those improvements. This partial exemption shall only apply to the initial transfer by the person who installed the active solar system or made the seismic safety improvements. The amount of this partial exemption shall not exceed the transferor's cost of seismic retrofitting improvements or the active solar system. Multi-family residential properties are eligible for this partial exemption.*

Section 4. Article 12-C of the San Francisco Business and Tax Regulations Code is hereby amended by amending Section 1114 to read as follows:

SEC. 1114. ADMINISTRATION AND INTERPRETATION.

In the administration of this ordinance the recorder shall interpret its provisions consistently with those Documentary Stamp Tax Regulations adopted by the Internal Revenue Service of the United States Treasury Department which relate to the Tax on Conveyances and *are* identified as Sections 47.4361-1, 47.4361-2 and 47.4362-1 of Part 47 of Title 26 of the Code of Federal Regulations, as the same existed on November 8, 1967, except that for the purposes of this ordinance, the determination of what constitutes "realty" shall be determined by the definition or scope of that term under state law. *Notwithstanding the preceding sentence, "realty sold" includes any acquisition or transfer of ownership interests in a legal entity that would be a change of ownership of the entity's real property under California Revenue & Taxation Code §64.*

Section 5. Article 12-C of the San Francisco Business and Tax Regulations Code is hereby amended by amending Section 1108.3 to read as follows:

SEC. 1108.3. APPLICATION TO LEASEHOLD INSTRUMENTS.

Any tax imposed pursuant to this ordinance shall not apply with respect to any deed, instrument or writing which creates, terminates, or transfers a leasehold interest having a remaining term (including renewal options) of ~~50 years or~~ less *than 35 years*.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
Julie Van Nostern
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080832 **Date Passed:**

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) amending Section 1102 to increase the Real Property Transfer Tax rate from 0.75% to 1.5% if the consideration for or value of the transfer exceeds $5 million; (2) amending Section 1105 to reduce the tax on transfers of residential property by up to one third (1/3) if, after January 1, 2009, the transferor has installed an active solar system or made seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies; (3) amending Section 1114 to clarify application of tax to transfers of ownership interests in legal entities that own real estate; and (4) amending Section 1108.3 to apply transfer tax to transfers of 35 year or longer leasehold interests.

July 22, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Chu

July 29, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Chu

File No. 080832

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 29, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Date: August 1, 2008

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Kay Gulbengay for
Angela Calvillo
Clerk of the Board

File No.
080832

Amendment of the Whole
In Board
7/22/08

FILE NO. 081030 ORDINANCE NO. 147-08

[Payroll Expense Tax]

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by (1) amending Section 902.1 and adding Section 902.2 to clarify the tax liability of "pass through entities" under the Payroll Expense Tax Ordinance, including partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities and specifying safe harbor measure of taxable payroll expense for owners of pass through entity (200% of compensation for its most highly paid quartile of employees, provided entity has at least 4 employees); and (2) amending Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $250,000 or less.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

~~Be it ordained by the People of the City and County of San Francisco:~~

~~Section 1.~~ ORDAINED that ~~P~~pursuant to Article XIIIC of the Constitution of the State of California, the Board of Supervisors hereby submits this ordinance ~~shall be submitted~~ to the qualified electors of the City and County of San Francisco~~,~~ at the November 4, 2008 general municipal election and that this ordinance shall become operative only if approved by the qualified electors at such election.

Be it ordained by the People of the City and County of San Francisco:

Section 1~~2.~~ The San Francisco Business and Tax Regulations Code is hereby amended by amending Section 902.1 and adding Section 902.2 to read as follows:

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SEC. 902.1. PAYROLL EXPENSE. (a) The term "Payroll Expense" means the compensation paid to, on behalf of, or for the benefit of an individual, *including shareholders of a professional corporation or a Limited Liability Company ("LLC"),* including salaries, wages, bonuses, commissions, property issued or transferred in exchange for the performance of services (including but not limited to stock options)*, compensation for services to owners of pass-through entities,* and any other form of compensation, who during any tax year, perform work or render services, in whole or in part in the City; and if more than one individual or *shareholders of a professional corporation or members of an LLC,* during any tax year performs work or renders services in whole or in part in the City, the term "Payroll Expense" means the total compensation paid including salaries, wages, bonuses, commissions, property issued or transferred in exchange for the performance of services (including but not limited to stock options)*, in addition to any compensation for services to owners of pass-through entities,* and any other form of compensation *for services*, to all such individuals *and shareholders of a professional corporation or members of an LLC*.

(b) Any person that grants a service provider a right to acquire an ownership interest in such person in exchange for the performance of services shall include in its payroll expense for the tax year in which such right is exercised an amount equal to the excess of (i) the fair market value of such ownership interest on the date such right is exercised over (ii) the price paid for such interest.

(c) Any individual compensated in his or her capacity as a real estate salesperson or mortgage processor shall be deemed an employee of the real estate broker or mortgage broker for or under whom such individual performs services, and any compensation received by such individual, including compensation by way of commissions, shall be included in the payroll expense of such broker. For purposes of this Section, “real estate broker” and “mortgage broker” refer to any individual licensed as such under the laws of the State of

California who engages the services of salespersons or a salesperson, or of mortgage processors or a mortgage processor, to perform services in the business which such broker conducts under the authority of his or her license; a "salesperson" is an individual who is engaged by a real estate broker to perform services, which may be continuous in nature, as a real estate salesperson under an agreement with a real estate broker, regardless of whether the individual is licensed as a real estate broker under the laws of the State of California; a "mortgage processor" is an individual who is engaged by a real estate broker or mortgage broker to perform services, which may be continuous in nature, as a mortgage processor under an agreement with such real estate broker or mortgage broker, regardless of whether the mortgage processor is also licensed as a mortgage broker under the laws of the State of California.

(d) All compensation, including all pass-through compensation for services paid to, on behalf of, or for the benefit of owners of a pass-through entity, shall be included in the calculation of such entity's payroll expense tax base for purposes of determining such entity's tax liability under this Article. For purposes of this section, the "pass-through compensation for services" of a pass-through entity shall be the aggregate compensation paid by such entity for personal services rendered by all such owners, and shall not include any return on capital investment. The taxpayer may calculate the amount of compensation to owners of the entity subject to the Payroll Expense Tax, or the taxpayer may presume that, in addition to amounts reported on a W-2 form, the amount subject to the payroll expense tax is, ~~90% of the amount of net earnings from self-employment derived from the entity for federal income tax purposes.~~ for each owner, an amount that is two hundred percent (200%) of the average annual compensation paid to, on behalf of, or for the benefit of the employees of the pass-through entity whose compensation is in the top quartile (i.e., 25%) of the entity's employees who are based in the City; provided, the total number of employees of the entity based in the City is not less than ~~twenty~~ four.

SEC. 902.2. PASS-THROUGH ENTITY. The term "pass-through entity" includes a trust, partnership, corporation described in Subchapter S of the Internal Revenue Code of 1986, as amended, limited liability company, limited liability partnership, professional corporation, and any other person or entity (other than a disregarded entity for federal income tax purposes) which is not subject to the income tax imposed by Subtitle A, Chapter 1 of the Internal Revenue Code of 1986, as amended, or which is allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such person or entity. Any person exempt from payment of the Payroll Expense Tax under Section 905-A or 906 of this Article shall not be disqualified from or denied such exemption as a result of being a "pass-through entity" under this Section.

Section 2. The San Francisco Business and Tax Regulations Code is hereby amended by amending Section 905-A to read as follows:

SEC. 905-A. SMALL BUSINESS TAX EXEMPTION.

(a) Notwithstanding any other provisions of this Article, "small business enterprises" as hereinafter defined, shall be exempt from payment of the Payroll Expense Tax; provided, however, that small business enterprises shall pay the annual registration fee pursuant to Section 855 of Article 12.

(b) The term "small business enterprise" shall mean and include any taxpayer:

(1) Whose tax liability-under this Article, but for this exemption provision, would not exceed $2,500 ~~and~~ *or, effective January 1, 2009, whose taxable payroll expense does not exceed $250,000 and;*

(2) Who has filed a tax return by the last date of February for the preceding tax year. If the taxpayer fails to file a return by that date, the taxpayer shall be subject to a penalty as specified in subsection (*d*).

(c) *For the 2011 tax year, and each second succeeding tax year, the Tax Collector shall increase the ceiling for the Small Business Tax Exemption (rounded to the nearest $10,000 increment) to reflect increases in the United States Department of Labor's Bureau of Labor Statistics consumer price index for all urban customers for the San Francisco-Oakland-San Jose area for each of the preceding two tax years.*

(d) In lieu of the penalty specified in Section 6.17-3 of this Article for failing to file a return, any person who otherwise qualifies for the small business exemption set forth in this Section who fails to file a return by the last date of February shall pay a penalty as follows:

(1) If the person's Payroll Expense Tax liability under this Article, but for the small business exemption under this section, would be less than $1,000, the penalty shall be $100 plus 10% of the amount of such liability, for each month, or fraction thereof, that the return is delinquent, up to a maximum amount equal to the person's liability for such tax but for the small business exemption;

(2) If the person's Payroll Expense Tax liability under this Article, but for the small business exemption under this section, would be $1,000 or more, then the penalty shall be $250 plus 10% of the amount of such liability, for each month, or fraction thereof, that the return is delinquent, up to a maximum amount equal to the person's liability for such tax but for the small business exemption.

(e) The Tax Collector may, in his or her discretion, reduce the penalty set forth in subsection (c) to not less than $100 upon a showing that the late filing of the return was due to reasonable cause and not due to willful neglect.

Section 3. This ordinance does not change any of the Payroll Expense Tax rates in Section 903.1 and reaffirms the current rates.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: ______________________
Michael Slattery
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081030 **Date Passed:**

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by (1) amending Section 902.1 and adding Section 902.2 to clarify the tax liability of "pass through entities" under the Payroll Expense Tax Ordinance, including partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities and specifying safe harbor measure of taxable payroll expense for owners of pass through entity (200% of compensation for its most highly paid quartile of employees, provided entity has at least 4 employees); and (2) amending Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $250,000 or less.

July 22, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

July 22, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

July 29, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 081030

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 29, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

8·1·08

Date Approved

Mayor Gavin Newsom

FILE NO.080745 ORDINANCE NO. 148-08

[Medical Waste Generator Registration, Permitting, Inspections Fees.]

Ordinance amending Sections 1504 through 1509, 1513, and 1514 of San Francisco Health Code Article 25 to increase registration and permit fees for persons who generate, store, haul and treat medical waste and for inspections by the Department of Public Health; and to clarify process for subsequent fee adjustments by the Controller for consumer price index increases; and making environmental findings.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

A. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____________ and is incorporated herein by reference.

Section 2. The San Francisco Health Code is hereby amended by amending Section 1504 to read as follows:

SEC. 1504. REGISTRATION REQUIREMENTS FOR SMALL QUANTITY GENERATORS.

(a) On-Site Treatment Registration. Each small quantity generator using on-site steam sterilization, incineration, or microwave technology to treat medical waste shall register with the Director.

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(1) Small quantity generators using on-site treatment, as specified in Subsection (a), which operate as a business in the same building, or which are associated with a group practice in the same building, may register as one generator.

(2) Small quantity generators using on-site treatment, as specified in Subsection (a), operating as specified in Paragraph (a)(1) in different buildings on the same or adjacent property, or as approved by the Director, may register as one generator.

(3) "Adjacent," for purposes of paragraph (a)(2), means real property within 400 yards from the property boundary of the primary registration site.

(b) Registration Deadline. Small quantity generators subject to Subsection 1504(a) shall register with the Director and pay the required fee no later than 120 days after the effective date of this Article. In those cases where the generation of medical waste begins after the effective date of this Article, registration shall be completed pursuant to this Article prior to commencement of the generation of medical waste.

(c) Registration by Filing Management Plan. Any small quantity generator required to register with the Director pursuant to this Section shall file with the Director a medical waste management plan, on forms prescribed by the Director containing, but not limited to, all of the following:

(1) The name of the person responsible for operation of the small quantity generator, or with direct responsibility for management of medical waste;

(2) The business address of the person specified in Paragraph (1);

(3) The type of business;

(4) The types, and the estimated average monthly quantity, of medical waste generated;

(5) The type of treatment used on-site;

(6) The name and business address of the hazardous waste hauler used by the generator for backup treatment and disposal, for waste for which the on-site treatment method is not appropriate due to the hazardous or radioactive characteristics of the waste, or the name of the hazardous hauler used by the generator to have untreated medical waste removed for treatment and disposal;

(7) A statement indicating that the generator is hauling the medical waste generated in his or her business pursuant to Section 1506 and the name and any business address of the treatment and disposal facilities to which the waste is being hauled, if applicable;

(8) The name and business address of the hazardous waste hauler service provided by the building management to which the building tenants may subscribe or are required by the building management to subscribe and the name and business address of the treatment and disposal facilities used, if applicable;

(9) A statement certifying that the information provided is complete and accurate.

(d) Inspection and Additional Permitting Requirements. Small quantity generators required to register under Subsection 1504(a) are subject to biennial inspection of the on-site treatment facility by the Director and may be subject to the permitting requirements of Section 1509 for on-site medical waste treatment facilities as determined by the Director. The inspection and permitting requirements of this paragraph do not apply when on-site steam sterilization is not used for the treatment or disposal of medical waste.

(e) Duration of Registration; Renewal and Update of Information. Each small quantity generator registration issued by the Director under Subsection 1504(a) shall be valid for two years. Applications for renewal of the registration shall be filed with the Director on or before the expiration date. Small quantity generators shall submit an updated application form within

30 days of any change in the medical waste management plan information specified in Paragraphs (c)(1) to (c)(9) of this Section.

(f) Recordkeeping Requirements. Any medical waste generator required to register pursuant to this Section shall maintain individual treatment and tracking records, including tracking documents if applicable, for three years, or for the period specified in the Director's regulations, and shall report or submit to the Director, upon request, both of the following:

(1) Treatment operating records;

(2) An emergency action plan complying with regulations adopted by the State of California, pursuant to the Act.

(g) Containment and Storage Requirements. Containment and storage of medical waste shall be in accordance with Section 1510.

(h) Treatment Requirements. Treatment of medical waste shall be in accordance with Section 1511.

(i) Fees For Small Quantity Generator Registration. The registration and inspection fee for small quantity generators required to register under Subsection 1504(a) is ~~*$321 for fiscal year 2004 (beginning July 1, 2004), $398 for fiscal year 2005 (beginning July 1, 2005), $482 for fiscal year 2006 (beginning July 1, 2006)*~~ *$524*.

Section 3. The San Francisco Health Code is hereby amended by amending Section 1505 to read as follows:

SEC. 1505. REQUIREMENTS FOR NONREGISTRANT SMALL QUANTITY GENERATORS.

(a) Recordkeeping by Nonregistrants. Small quantity generators who are not required to register pursuant to this Article shall maintain on file in their office all of the following:

(1) An information document stating how the generator contains, stores, treats, and disposes of any medical waste generated through any act or process of the generator. The information document may be prepared using the medical waste management plan form prescribed by the Director pursuant to Subsection 1504(d);

(2) Records of any medical waste transported off-site for treatment and disposal, including the quantity of waste transported, the date transported, and the name of the hazardous waste hauler or individual hauling the waste pursuant to Subsection 1506(b). The small quantity generator shall maintain these records for not less than two years.

(b) Nonregistrant Fee and Notification. Every small quantity generator subject to Subsection 1505(a) shall mail a copy of the information document specified in Paragraph (a)(1) to the Director no later than 120 days after the effective date of this Article. In those cases where the generation of medical waste begins after the effective date of this Article, the information document shall be mailed to the Director within 30 days of commencement of the generation of medical waste.

(1) The information document shall be accompanied by a one-time fee of ~~*$95 for fiscal year 2004 (beginning July 1, 2004), $117 for fiscal year 2005 (beginning July 1, 2005), $142 for fiscal year 2006 (beginning July 1, 2006)*~~. *$154.*

(2) A new information document and fee shall be submitted only if the generator moves to a new location more than 400 yards from the boundary of the location specified in the previous information document.

Section 4. The San Francisco Health Code is hereby amended by amending Section 1506 to read as follows:

SEC. 1506. MEDICAL WASTE HAULERS.

(a) Transportation of Waste. Except as otherwise exempted pursuant to Subsection 1506(b), all medical waste shall be transported off-site by a hazardous waste hauler in leakresistant and fully enclosed rigid containers in vehicle compartments. Medical waste shall be transported off-site only to a permitted medical waste treatment facility, a permitted transfer station, or a permitted large quantity generator for the purpose of consolidation before treatment and disposal pursuant to this Article and the Act; provided that, no large quantity generator shall accept off-site medical waste for purposes of consolidation before treatment and disposal without written permission from the Director or as provided in a permit under this Article.

(1) No person shall transport medical waste in the same vehicle with other waste unless the medical waste is separately contained in rigid containers or kept separate by barriers from other waste, unless all of the waste is to be handled as medical waste under this Article.

(2) Any persons manually loading or unloading containers of medical waste shall be provided by their employer at the beginning of each shift with, and shall be required to wear, clean and protective gloves and coveralls, changeable lab coats, or other protective clothing.

(b) Application for Exemption. Small quantity generators may apply to the Director for an off-site limited-quantity hauling exemption, if the generator meets all of the following requirements:

(1) The generator generates less than 20 pounds of medical waste per week, transports less than 20 pounds of medical waste at any one time, and has a management plan pursuant to Subsection 1504(d) or an information document pursuant to Subsection 1505(b) on file in the Director's office.

(2) The generator transports the waste himself or herself, or directs a member of his or her staff to transport the waste, to a permitted medical waste treatment facility or a permitted transfer station before consolidation or treatment and disposal.

(3) The generator maintains a tracking document.

(A) Any person transporting medical waste off-site in a vehicle shall have a tracking document in his or her possession while transporting the waste.

(B) The original tracking document shall be provided to the facility receiving the medical waste.

(c) Issuance of Hauling Exemption; Fee. The Director may issue or modify small quantity generator hauling exemptions with such conditions as necessary to protect public health and welfare. Every applicant for an exemption shall pay a fee of ~~*$107 for fiscal year 2004 (beginning July 1, 2004), $133 for fiscal year 2005 (beginning July 1, 2005), $161 for fiscal year 2006 (beginning July 1, 2006);*~~ *$ 175* in addition to the small quantity generator registration fee under Section 1504 or the nonregistrant fee under Section 1505.

Section 5. The San Francisco Health Code is hereby amended by amending Section 1507 to read as follows:

SEC. 1507. PERMIT REQUIREMENTS FOR COMMON STORAGE FACILITIES.

(a) Permit Requirement. Every common storage facility shall have a permit issued by the Director. A permit for any common storage facility may be obtained by any one of the following:

(1) A provider of health care as defined in Section 56.05(d) of the Civil Code;

(2) The hazardous waste hauler responsible for collection of medical waste from the common storage facility;

(3) The property owner;

(4) The property management firm responsible for providing tenant services to the medical waste generators.

(b) Permit Application Deadlines. Any person under Subsection 1507(a) responsible for the operation of a common storage facility shall apply for a permit from the Director within

120 days of the effective date of this Article, where the storage of medical waste in the common storage facility began prior to that date. In those cases where the storage of medical waste begins after the effective date of this Article, a permit application shall be submitted to the Director and issued prior to commencement of storage of medical waste in the common storage facility. The Director is authorized to take enforcement action against unpermitted common storage facilties under Section 1512.

(c) Permit Issuance and Denial Process. The Director shall issue, renew, modify or deny common storage facility permits atter notice and an opportunity for a hearing under Section 1503. The Director shall hold a hearing upon request of the applicant or any interested person. Permit application forms shall be prescribed by the Director.

(d) Fee for Common Storage Facility Permits. The annual permit fee for a common storage facility permitted pursuant to this Section is the amount specified in the following schedule:

(1) For storage facilities serving 10 or fewer generators, the permit fee is ~~*$268 for fiscal year 2004 (beginning July 1, 2004), $333 for fiscal year 2005 (beginning July 1, 2005), $403 for fiscal year 2006 (beginning July 1, 2006)*~~. *$438.*

(2) For storage facilities serving 11 to 49 generators, the permit fee is ~~*$428 for fiscal year 2004 (beginning July 1, 2004), $531 for fiscal year 2005 (beginning July 1, 2005), $643 for fiscal year 2006 (beginning July 1, 2006).*~~ *$699.*

(3) For storage facilities serving 50 or more generators, the permit fee is ~~*$536 for fiscal year 2004 (beginning July 1, 2004), $664 for fiscal year 2005 (beginning July 1, 2005), $803 for fiscal year 2006 (beginning July 1, 2006).*~~ *$873.*

Section 6. The San Francisco Health Code is hereby amended by amending Section 1508 to read as follows:

SEC. 1508. REGISTRATION REQUIREMENTS FOR LARGE QUANTITY GENERATORS.

(a) Registration Requirements. Each large quantity generator, except as specified in paragraphs (1) and (2), shall register with the Director. Large quantity generators owning or operating an on-site medical waste treatment facility shall also apply for a permit for that treatment facility pursuant to Section 1509.

(1) Large quantity generators operating as a business in the same building, or which are associated with a group practice in the same building, may register as one generator.

(2) Large quantity generators as specified in Paragraph (1), operating in different buildings on the same or adjacent property, or as approved by the Director, may register as one generator.

(3) "Adjacent" for purposes of Paragraph (2), means real property within 400 yards from the property boundary of the primary registration site.

(b) Registration Deadline. Large quantity generators subject to Subsection 1508(a) shall register with the Director and pay the required fee no later than 120 days after the effective date of this Article. In those cases where the generation of medical waste begins after the effective date of this Article, registration shall be completed prior to commencement of the generation of medical waste.

(c) Registration by Filing Management Plan. Any large quantity generator required to register pursuant to Subsection 1508(a) shall file with the Director a medical waste management plan, on forms prescribed by the Director containing, but not limited to, all of the following:

(1) The name of the person responsible for operation of the large quantity generator, or with direct responsibility for management of medical waste;

(2) The business address and telephone number of the person in Paragraph (1);

(3) The type of business;

(4) The types, and the estimated average monthly quantity, of medical waste generated;

(5) The type of treatment used on-site, if applicable. For generators with on-site medical waste treatment facilities, including incinerators or steam sterilizers or other treatment facilities as determined by the Director, the treatment capacity of the on-site treatment facility;

(6) The name and business address of the hazardous waste hauler used by the generator to have untreated medical waste removed for treatment, if applicable;

(7) The name and business address of the hazardous waste hauler service provided by the building management to which the building tenants may subscribe or are required by the building management to subscribe, if applicable;

(8) The name and business address of the off-site medical waste treatment facility to which any medical waste is being hauled, if applicable;

(9) An emergency action plan complying with regulations adopted by the Director and approved by the department, if applicable;

(10) A statement certifying that the information provided is complete and accurate.

(d) Inspections. Every large quantity generator shall be subject to at least annual inspection by the Director.

(e) Duration of Registration; Renewal and Update of Information. Each large quantity generator registration issued by the Director shall be valid for one year.

(1) An application for renewal of the registration shall be filed with the Director not less than 90 days prior to the expiration date. Failure to meet this requirement shall result in assessment of a late fee.

(2) Every large quantity generator shall submit an updated application form within 30 days of any change in the medical waste management plan information specified in Subsection (c) above.

(f) Recordkeeping Requirements. Any large quantity generator required to register pursuant to this Section shall maintain individual treatment and tracking records, including tracking documents if applicable, for three years or for the period specified in the Director's regulations.

(g) Containment and Storage Requirements. Containment and storage of medical waste shall be in accordance with Section 1511.

(h) Waste Treatment Requirements. Treatment of medical waste shall be in accordance with Section 1511.

(i) Annual Fee For Large Quantity Generators. The registration and annual fee for large quantity generators shall be set in following amounts:

(1) A general acute care hospital, as defined in Subdivision (a) of Section 1250, Division 2, Chapter 2 of the Health and Safety Code, which has one or more beds, but not more than 99 beds, shall pay ~~*$643 for fiscal year 2004 (beginning July 1, 2004), $797 for fiscal year 2005 (beginning July 1, 2005), $964 for fiscal year 2006 (beginning July 1, 2006)*~~ *$1048*; a facility with 100 or more beds, but not more than 199 beds, shall pay ~~*$964 for fiscal year 2004 (beginning July 1, 2004), $1195 for fiscal year 2005 (beginning July 1, 2005), $1446 for fiscal year 2006 (beginning July 1, 2006)*~~*$1573*; a facility with 200 or more beds, but not more than 250 beds shall pay ~~*$1285 for fiscal year 2004 (beginning July 1, 2004), $1594 for fiscal year 2005 (beginning July 1, 2005), $1928 for fiscal year 2006 (beginning July 1, 2006)*~~*$2097*; and a facility

with 251 or more beds shall pay ~~$1821 for fiscal year 2004 (beginning July 1, 2004), $2258 for fiscal year 2005 (beginning July 1, 2005), $2732 for fiscal year 2006 (beginning July 1, 2006)~~ $2971.

(2) A specialty clinic, providing surgical, dialysis, or rehabilitation services, as defined in Subdivision (b) of Section 1204, Division 2, Chapter 1 of the Health and Safety Code, shall pay ~~$750 for fiscal year 2004 (beginning July 1, 2004), $930 for fiscal year 2005 (beginning July 1, 2005), $1125 for fiscal year 2006 (beginning July 1, 2006)~~ $1224.

(3) A skilled nursing facility, as defined in Subdivision (c) of Section 1250, Division 2, Chapter 2 of the Health and Safety Code, which has one or more beds, but not more than 99 beds shall pay ~~$321 for fiscal year 2004 (beginning July 1, 2004), $398 for fiscal year 2005 (beginning July 1, 2005), $482 for fiscal year 2006 (beginning July 1, 2006)~~ $524; a facility with 100 or more beds, but not more than 199 beds shall pay ~~$428 for fiscal year 2004 (beginning July 1, 2004), $531 for fiscal year 2005 (beginning July 1, 2005), $643 for fiscal year 2006 (beginning July 1, 2006)~~ $699; and a facility with 200 or more beds shall pay ~~$536 for fiscal year 2004 (beginning July 1, 2004), $664 for fiscal year 2005 (beginning July 1, 2005), $803 for fiscal year 2006 (beginning July 1, 2006)~~ $873.

(4) An acute psychiatric hospital, as defined in Subdivision (b) of Section 1250, Division 2, Chapter 2 of the Health and Safety Code, shall pay ~~$750 for fiscal year 2004 (beginning July 1, 2004), $930 for fiscal year 2005 (beginning July 1, 2005), $1125 for fiscal year 2006 (beginning July 1, 2006)~~ $1224.

(5) An intermediate care facility, as defined in Subdivision (d) of Section 1250, Division 2, Chapter 2 of the Health and Safety Code, shall pay ~~$750 for fiscal year 2004 (beginning July 1, 2004), $930 for fiscal year 2005 (beginning July 1, 2005), $1125 for fiscal year 2006 (beginning July 1, 2006)~~ $1224.

(6) A primary care clinic, as defined in Section 1200.1, Division 1, Chapter 1 of the Health and Safety Code, shall pay ~~$750 for fiscal year 2004 (beginning July 1, 2004), $930~~

~~for fiscal year 2005 (beginning July 1, 2005), $1125 for fiscal year 2006 (beginning July 1, 2006)~~ $1224.

(7) A licensed clinical laboratory, as defined in Paragraph (3) of Subdivision (a) of Section 1206, of the Business and Professions Code, shall pay *~~$321 for fiscal year 2004 (beginning July 1, 2004), $398 for fiscal year 2005 (beginning July 1, 2005), $482 for fiscal year 2006 (beginning July 1, 2006)~~ $524*.

(8) A health care service plan facility, as defined in Subdivision (f) of Section 1345, Division 2, Chapter 2.2 of the Health and Safety Code, shall pay *~~$750 for fiscal year 2004 (beginning July 1, 2004), $930 for fiscal year 2005 (beginning July 1, 2005), $1125 for fiscal year 2006 (beginning July 1, 2006)~~ $1224*.

(9) A veterinary clinic or veterinary hospital shall pay *~~$321 for fiscal year 2004 (beginning July 1, 2004), $398 for fiscal year 2005 (beginning July 1, 2005), $482 for fiscal year 2006 (beginning July 1, 2006)~~ $524*.

(10) A large quantity generator medical office shall pay *~~$321 for fiscal year 2004 (beginning July 1, 2004), $398 for fiscal year 2005 (beginning July 1, 2005), $482 for fiscal year 2006 (beginning July 1, 2006)~~ $524*.

Section 7. The San Francisco Health Code is hereby amended by amending Section 1509 to read as follows:

SEC. 1509. PERMIT REQUIREMENTS FOR ON-SITE MEDICAL WASTE TREATMENT FACILITIES.

(a) Permit Requirement; Inspections. All on-site medical waste treatment facilities shall be permitted and inspected by the Director pursuant to this Section.

(b) Permit Application Deadlines. Within 120 days of the effective date of this Article, each person owning or operating a medical waste treatment facility shall apply for a permit pursuant to this Section. If the medical waste treatment facility begins operation after the effective date of this Article, the permit shall be obtained pursuant to this Section prior to commencement of the treatment facility's operation. Registered small quantity generators shall obtain a permit if required by the Director pursuant to Subsection 1504(e).

(c) Medical Waste from Adjacent Small Quantity Generators. A health care facility accepting medical waste for treatment from small quantity generators located on property adjacent to the facility shall be classified as an on-site treatment facility. The word "adjacent" as used in this subsection means real property within 400 yards of the property boundary of the health care facility accepting medical waste for treatment.

(d) Permit Application. Any person required to obtain a permit pursuant to this Section shall file an application on forms prescribed by the Director, containing, but not limited to, all of the following information:

(1) The name of the applicant;

(2) The business address of the applicant;

(3) The type of treatment provided, the treatment capacity of the facility, a characterization of the waste treated at this facility, and the estimated average monthly quantity of waste treated at the facility;

(4) A disclosure statement, as provided in Section 25112.5 of the California Health and Safety Code;

(5) Evidence satisfactory to the Director that the operator of the medical waste treatment facility has the ability to comply with this Article and other requirements of State or local law;

(6) Any other information required by the Director for the administration or enforcement of this Article.

(e) Issuance or Renewal of Permit; Grounds for Denial.

(1) Prior to issuing or renewing a permit under this Section, the Director shall review the compliance history of the applicant, under any local, state, or federal law or regulation governing the control of medical waste or pollution.

(2) The Director shall, pursuant to this Section, deny a permit, or specify additional permit conditions, to ensure compliance with applicable laws and regulations, if the Director determines that in the three- year period preceding the date of application the applicant has violated laws or regulations identified in Paragraph (1) at a facility owned or operated by the applicant, and the violations demonstrate a recurring pattern of noncompliance or pose, or have posed, a significant risk to public health and safety or to the environment.

(3) In addition to any other information required to be submitted for the permitting of a facility pursuant to this Section, an applicant who has owned or operated a facility regulated by the Director shall provide a description of all violations described in Paragraph (1), which occurred at any facility permitted and owned or operated by the applicant in the City and County of San Francisco in the three years prior to the date of application.

(4) In making the determination of whether to deny a permit or to specify additional permit conditions pursuant to Paragraph (2), the Director shall take both of the following into consideration:

(A) Whether a permit denial or permit condition is appropriate or necessary given the severity of the violation;

(B) Whether the violation has been corrected in a timely fashion.

(f) Recordkeeping Requirements.

(1) The Director shall evaluate, inspect, and review the records of on-site medical waste treatment facilities for compliance with this Article. Commencing on the thirtieth

day after the effective date of this Article, all persons operating an on- site medical waste treatment facility shall maintain individual records for a period of three years and shall report or submit to the Director upon request, all of the following information:

(A) The type of treatment facility and its capacity;

(B) All treatment facility operating records;

(C) If applicable, copies of the tracking documents for all medical waste it receives for treatment from off-site generators or from hazardous waste haulers.

(g) Duration, Renewal and Transfer of Permits.

(1) A medical waste permit issued by the Director to a medical waste treatment facility shall be valid for five years.

(2) An application for renewal of the permit shall be filed with the Director not less than 90 days prior to the expiration date. If a permittee fails to make a timely application for renewal, the medical waste permit shall expire on the expiration date.

(3) A medical waste permit may be renewed if the Director finds the permittee has been in substantial compliance with this Article and any regulations adopted pursuant hereto during the preceding permitted period, or that the permittee corrected previous violations in a timely manner.

(4) Upon approval of the Director, a permit may be transferred from one subsidiary to another subsidiary of the same corporation, from a parent corporation to one of its subsidiaries or from a subsidiary to a parent corporation.

(h) Termination of Permit Prior to Expiration Date. A person required to obtain a medical waste permit shall at all times, possess a valid permit for each facility in operation. A medical waste permit shall terminate prior to its expiration date if suspended or revoked pursuant to Section 1512 or, notwithstanding Section 1512, if either of the following occurs:

(1) The permittee sells or otherwise transfers the facility except as specified in Paragraph (g)(4) of this Section;

(2) The permittee surrenders the permit to the Director because the permittee ceases operation.

(i) Permit Issuance Procedures.

(1) Permits shall be issued, renewed, denied or modified only after notice and a hearing pursuant to Subsection 1503(b).

(2) The Director shall issue a medical waste permit upon evaluation, inspection, or records review of the applicant if the applicant is in substantial compliance with this Article and the applicant has corrected any previous violations. A decision to issue or not to issue the permit shall be made by the Director within 120 days of the time that the application is filed, unless waived by the applicant.

(j) Permit Provisions. When issuing, renewing, or revising any treatment facility permit, the Director may prohibit or condition the handling or treatment of medical waste to protect public health and safety.

(k) Fees for Medical Waste Treatment Facilities.

(1) The annual permit fee for an on-site treatment facility shall be set at the following amount:

(A) The fee for an autoclave is ~~*$321 for fiscal year 2004 (beginning July 1, 2004), $398 for fiscal year 2005 (beginning July 1, 2005), $482 for fiscal year 2006 (beginning July 1, 2006)*~~ *$524*.

(B) The fee for an incinerator or other approved technology is ~~*$340*~~*$353*.

(C) The Director shall charge an application fee for an on-site treatment facility equal to ~~*$142 for fiscal year 2004 (beginning July 1, 2004), $155 for fiscal year*~~

~~*2005 (beginning July 1, 2005), $167 for fiscal year 2006 (beginning July 1, 2006)*~~ *$166* for each hour spent processing the application.

Section 8. The San Francisco Health Code is hereby amended by amending Section 1513 to read as follows:

SEC. 1513. INSPECTION AND INVESTIGATION FEES.

(a) Notwithstanding any other provision of this Article, the Director may conduct an investigation and an inspection pursuant to Section 1512 whenever information is received that any medical waste generator or any person is in violation of this Article. The Director may require any person subject to this Article to pay an inspection and investigation fee equal to ~~*$142 for fiscal year 2004 (beginning July 1, 2004), $155 for fiscal year 2005 (beginning July 1, 2005), $167 for fiscal year 2006 (beginning July 1, 2006)*~~ *$167* for each hour or portion thereof spent by the Department of Public Health in conducting such activities.

(b) A notice of payment due shall be sent by the Director to the medical waste generator and the owner of the property inspected, advising of the amount of any fee and containing the following information:

(1) The date and location of the Director's investigation and inspection activities;

(2) The amount of the fee;

(3) A statement advising the generator and property owner that he or she is liable under this Article for the fee in the amount indicated in the notice and that payment to the City is due within 30 days of the mailing date of the notice;

(4) A statement advising the generator and property owner that a penalty of 10 percent plus interest at the rate of one percent per month on the outstanding balance shall be added to the costs from the date that payment is due under Subsection (b)(3);

(5) A statement advising the property owner that if payment of the costs is not received within 90 days of the mailing date, a lien may be imposed on the property of the owner where the generator is located, or where the violation occurred, pursuant to the provisions of this Section;

(6) A statement that the generator or property owner may appeal the fee determination contained in the notice of payment due to the Director. Said appeal must be filed in writing with the Director no later than 30 days after the date the notice of payment due is issued. The Director's decision on the appeal shall be final.

(c) If full payment of the costs is not received within 30 days after the notice of payment due was sent, a second notice of payment due shall be sent by the Director to the generator and property owner. The second notice shall state that the generator and property owner are liable for the payment of the costs indicated on the notice.

(d) If full payment of the costs is not received within 30 days after the second notice of payment due was sent, a third (and final) notice of payment due shall be sent by the Director to the generator and property owner. The third notice shall state that the generator and property owner are liable for the payment of the costs indicated on the notice and that if payment of such costs is not received within 30 days of the mailing date of the third notice, lien proceedings may be initiated against the subject property pursuant to the provisions of this Article.

(e) If payment is not received within 30 days following mailing the third notice, the Department shall initiate lien proceedings pursuant to the provisions of Article XX of Chapter 10 of the San Francisco Administrative Code.

Section 9. The San Francisco Health Code is hereby amended by amending Section 1514 to read as follows:

SEC. 1514. ***FEES.***

Beginning with fiscal year 2007-2008, no later than April 15 of each year, the Controller shall adjust the fees provided in this Article to reflect changes in the relevant Consumer Price Index, without further action by the Board of Supervisors. In adjusting the fees, the Controller may round these fees up or down to the nearest dollar, half-dollar or quarter-dollar. The Director shall perform an annual review of the fees scheduled to be assessed for the following fiscal year and shall file a report with the Controller no later than May 1st of each year, proposing, if necessary, an adjustment to the fees to ensure that costs are fully recovered and that fees do not produce significantly more revenue than required to cover the costs of operating the program. The Controller shall adjust fees when necessary in either case.

~~*FEES. Fees as provided for in this Article for fiscal years subsequent to 2006 shall be adjusted each year from those charged the previous fiscal year based on cost of living allowances (COLA) without further action by the Board of Supervisors. The Director will perform an annual review of the fees scheduled to be assessed the following fiscal year. Should this review determine that any of the scheduled fee revenues exceed program costs, a report will be filed with the Board of Supervisors no later than May 15 along with a proposed ordinance readjusting the fees as necessary to ensure that the fees do not produce more revenue than required to recover the costs of operating the program.*~~

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Cecilia T. Mangoba
Cecilia T. Mangoba
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080745 **Date Passed:**

Ordinance amending Sections 1504 through 1509, and 1513 and 1514 of San Francisco Health Code Article 25 to increase registration and permit fees for persons who generate, store, haul and treat medical waste and for inspections by the Department of Public Health; and making environmental findings.

July 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 22, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080745

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 22, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·30·08
Date Approved

Mayor Gavin Newsom

FILE NO. 080744 ORDINANCE NO. 149-08

[License And Permit Fees.]

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, 249.7, 249.11, 249.12, 249.13, 249.14, 249.16, and 249.20; and the San Francisco Health Code by amending Sections 258, 1009.54, 1927, and 3304 relating to fees for licenses, permits and inspections by the Department of Public Health.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____________ and is incorporated herein by reference.

Section 2. The San Francisco Municipal Code Business and Tax Regulations Code is hereby amended by amending Sections 35, 120, 248, 249.1, 249.7, *249.11,* 249.12, 249.13, 249.14, 249.16 and 249.20 to read as follows:

SEC. 35. FEE FOR INSPECTION BY THE HEALTH DEPARTMENT.

(a) Unless otherwise specifically provided, all fixed fees for inspection or permits which involve the Health Department shall be payable in advance annually. A filing fee of ~~*$240*~~*$298* payable in advance to the Health Department for each inspection for a permit is required for a first-time inspection of a premises or thing if such inspection is requested or required as a condition of the issuance of a first permit or of a first license, except applications

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for permits for ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve ice cream machines and hazardous material storage.

(b) When two or more food product and marketing establishments or food preparation and service establishments, or any combination thereof, subject to inspection are located on the same premises, are not contiguous to each other, and are conducted by one owner whether person, firm or corporation, a permit shall be required for each such establishment.

(c) When the owner or lessee of premises where said class or classes of business are located or conducted does not directly or indirectly conduct the same, the owner or lessee of said premises shall not be required to obtain a permit for said premises or pay any fee imposed by this Section.

(d) ~~*A fee of $63 shall accompany*~~ *Any* application for a special event referred to in Section 452(b) of the San Francisco Health Code *shall be accompanied by fees set out in Section 249.11(c) of the San Francisco Business and Tax Regulations Code*.

(e) Exemptions. The following establishments are exempt, as set forth in Section 249.1 of this Code, from paying fees:

(1) Food preparation and service establishments used exclusively by day care facilities for children.

(2) Food preparation and service establishments funded through the San Francisco Commission on Aging for nutrition projects for older individuals.

(f) When the Health Department provides *environmental health* inspection services, *permit review, or training services,* whether in response to a permit or license application or by request, a fee of $~~*135*~~*$167* per hour will be charged *for service by environmental health inspectors, and a fee of $150 per hour will be charged for service by environmental health technicians*. When these services are provided during nonregular working hours, a fee of $~~*155*~~*174* per hour will be charged. "*Environmental Health* ~~I~~*i*nspection services*, permit review, or training services*" includes but is not limited to reviewing plans and blueprints, providing consultations and making site inspections. A bill for these services will be issued to the person making the application or request and must be paid prior to the Department's providing the service. If the time expended exceeds what the Department anticipated, the Department shall bill the applicant or person making the request for the additional time expended and such person shall be responsible for paying that amount. Notwithstanding any other provision of this Section 35, all fees for routine, nonenforcement-related inspection services provided for solid waste transfer station permit issuance and compliance review will be included in the license fee required by Section 249.15 of this Article.

(g) When the Health Department, while in the process of conducting inspections of businesses required to have a valid Permit To Operate, issued by the Department of Public Health, finds violations of local, state law or federal law, requiring follow up inspection(s) to determine if the documented violations have been corrected, the permitted establishment is liable for payment to the San Francisco Department of Public Health a fee of $75 per half-hour of on-site inspection services. Violations subject to reinspection fees include those listed as high-risk violations on the Department of Public Health food inspection report.

(h) ~~*Application, permit and inspection fees as provided for in Sections 35, 120, 248, 249, 249.1, 249.2, 249.7, 249.12, 249.13, and 249.14 of the San Francisco Municipal Code Business and Tax Regulations Code and Section 258 of the San Francisco Municipal Code Public Health Code for fiscal years subsequent to 2005-06 shall be adjusted each year from those charged the previous fiscal year based on cost of living allowances (COLA) as indicated in these Code Sections. The Department will perform an annual review of the fees scheduled to be assessed the following fiscal year, subject to review by the Controller. Should this review determine that any of the scheduled fee revenues exceed*~~

~~*program costs, a report will be filed with the Board of Supervisors no later than May 15 along with a proposed ordinance readjusting the fee rates as necessary to ensure that the fees do not produce more revenue than required to recover the costs of operating the program.*~~*Beginning with fiscal year 2008-2009, fees set forth in Sections 35, 120, 248, 249, 249.1, 249.2, 249.6, 249.7, 249.8, 249.11, 249.12, 249.13, 249.14, 249.15, 249.16, and 249.20 may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.*

Not later than April 1 , the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue that is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

SEC. 120. LAUNDRIES AND CLEANING AND DYEING WORKS.

(a) Every owner, manager or lessee of a hand laundry will pay the following license fee annually in advance to the Tax Collector: ~~*$70*~~*$87*.

(b) Every owner, manager or lessee of a wash laundry will pay the following license fee annually in advance to the Tax Collector: ~~*$151*~~*$187*.

(c) Every owner, manager or lessee of a cleaning, dyeing or cleaning and dyeing works will pay the following fee annually in advance: ~~*$18*~~*$22*.

(d) Every owner, manager or lessee of an automatic laundry (mechanical, pay-to-operate, washing or dyeing machine) will pay the following license fee annually in advance to the Tax Collector: ~~*$23*~~*$29* plus ~~*$9*~~*$11* per machine.

(e) Every owner, manager or lessee of a laundry delivery service will pay the following license fee annually in advance to the Tax Collector: $21 per delivery vehicle per year.

The license fees prescribed by this Section are due and payable the first day of January of each year. Fees for new licenses issued prior to January 1st shall be prorated to the end of such calendar year on a monthly basis.

SEC. 248. FOOD PRODUCT AND MARKETING ESTABLISHMENTS.

The following fee for licenses is established for persons, firms or corporations engaged in the conduct or operation of the handling, manufacture or sale of foodstuffs, annually payable in advance to the Tax Collector.

Class Fee

Class A. Food product and marketing establishments without food preparation with a total square footage of:

Less than 5,001 square feet . . . ~~*$459*~~*$569*

5,001 square feet to 10,000 square feet . . . ~~*603*~~*748*

10,001 square feet to 20,000 square feet . . . ~~*753*~~*934*

Greater than 20,000 square feet . . . ~~*915*~~*1,135*

Class B. Food product and marketing establishments with food preparation with a total square footage of:

Less than 5,001 square feet . . . ~~*492*~~*610*

5,001 square feet to 10,000 square feet . . . ~~*640*~~*794*

10,001 square feet to 20,000 square feet . . . ~~*781*~~*968*

Greater than 20,000 square feet . . . ~~*931*~~*1,154*

Class C. Retail bakeries with total square footage of:

Less than 2,001 square feet . . . ~~*504*~~*625*

Greater than 2,000 square feet . . . ~~*520*~~*645*

Class D. Produce stand . . . ~~*507*~~*629*

Class E. Certified farmers market . . . ~~*512*~~*635*

Class F. Wholesale food markets . . . ~~*492*~~*610*

Class G. Food manufacturing or processing . . . ~~*507*~~*629*

Class H. Food product and marketing establishments with an inventory of food at cost in stock as of the first day of April:

Less than $1,000 . . . ~~*85*~~*$105*

Greater than $1,000 . . . ~~*604*~~*749*

Class I. Food product and marketing establishments in stadiums, arenas or auditoriums with a seating capacity of 25,000 or more . . . ~~*516*~~*625*

The license fees prescribed in this Section are due and payable annually in advance on the first day of September of each year.

Fees for new licenses issued prior to, or after September 1st, shall be prorated on a monthly basis.

SEC. 249.1. FOOD PREPARATION AND SERVICE ESTABLISHMENTS.

Every person, firm or corporation engaged in the business of operating food preparation and service establishments, as defined in Section 451 of the San Francisco

Health Code, that require permits from the Health Department shall pay an annual license fee to the Tax Collector as follows:

(a) Class Fee

Class A. Food preparation and service establishments with a total square footage of:

Less than 1,000 square feet . . . ~~*$627*~~*$777*

1,000 square feet to 2,000 square feet . . . ~~*829*~~*1,028*

Greater than 2,000 square feet . . . ~~*951*~~*1,179*

Class B. Bar or tavern . . . ~~*744*~~*923*

Class C. Take-out establishment . . . ~~*752*~~*932*

Class D. Fast food establishment . . . ~~*852*~~*1,056*

Class E. Catering facility . . . ~~*732*~~*908*

Class F. Temporary facility . . . ~~*117*~~*145*

Class G. Food demonstrations . . . 105

Class H. Commissary . . . ~~*713*~~*884*

Class I. Pushcart on private property . . . ~~*594*~~*737*

Class J. Stadium concession . . . ~~*504*~~*625*

Class K. Vending machines . . . ~~*143*~~*177*

Class L. Bed and breakfast establishment . . . ~~*806*~~*999*

Class M. Boarding house . . . ~~*194*~~*241*

Class N. Private school cafeteria . . . ~~*237*~~*294*

Class O. Hospital kitchen . . . ~~*758*~~*940*

The license fees prescribed in this Section are due and payable on an annual basis commencing April 1, 1984. Fees for new licenses issued prior to, or after April 1st, shall be prorated on a monthly basis.

(b) Exemptions. The following establishments are exempt from paying the fees required by this Section:

(1) Food preparation and service establishments used exclusively by day care facilities for children are exempt from paying the fees required by this Section.

For the purpose of this subsection, a "day care facility for children" shall mean a "community care facility" licensed pursuant to the provisions of Chapter 3, Division 2 of the California Health and Safety Code (commencing at Section 1500) which provides nonmedical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis, or a "family day care home for children" licensed pursuant to the provisions of Chapter 3.6, Division 2 of the California Health and Safety Code (commencing at Section 1597.50).

(2) Food preparation and service establishments funded through the San Francisco Commission on Aging for nutrition projects for older individuals.

SEC. 249.7. SWIMMING POOLS.

Every person, firm or corporation engaged in operating a swimming pool on a year-round basis that requires a permit from the Health Department shall pay an annual license fee of ~~*$255*~~*$274* to the Tax Collector. Swimming pools that require a permit from the Health Department which operate less than six months per year shall pay an annual license fee of ~~*$219*~~*$235* per year to the Tax Collector.

The license fee shall be due and payable annually in advance on the first day of October of each year. Fees for licenses issued prior to or after October 1st, shall be prorated on a monthly basis. License fees paid hereunder shall not be refundable because of revocation of license, discontinuance of operation or sale or transfer of the swimming pool.

SEC. 249.11. TEMPORARY PERMITS*AND SPECIAL EVENT PERMITS*; FEES.

(a) Temporary permits will be granted by the Department of Public Health to operate establishments under Section 248--Food Product and Marketing Establishments and Section 249.1--Food Preparation and Service Establishments for a fee of $63, which will be effective for a period of one to 45 days.

(b) Business concerns whose regular sales activities concern products or commodities other than food, but sell or give away food periodically for sales promotion purposes shall obtain a temporary permit prescribed by this Section.

(c) ~~*Temporary*~~*Special Event* permits will be granted by the Department of Public Health to operate special events referred to in Section 451(i) and 452 of the San Francisco Health Code upon payment of fees listed as follows:

(1) Application fees for fiscal year ~~*2000-01*~~*2008-2009*, per event:

(A) Event sponsor: ~~*$100*~~*$120*;

(B) Food operator, ~~*$20*~~*$24*, where all food sold or distributed and the method of processing the food is considered to be low in potential hazard by the Department of Public Health;

(C) Food operator, ~~*$46*~~*$83*, where any food sold or distributed or the method of processing the food is considered to be high in potential hazard by the Department of Public Health;

(2) Permit fees for fiscal year ~~*2000-01*~~*2008-2009*, per location:

(A) $~~*35*~~*$42* for up to two days, and ~~*$10*~~*$12* for each additional day, where all food sold or distributed and the method of processing the food is considered to be low in potential hazard by the Department of Public Health;

(B) $~~*60*~~*72* for up to two days, and $~~*20*~~*24* for each additional day, where any food sold or distributed or the method of processing the food is considered to be high in potential hazard by the Department of Public Health.

~~*(3) Application and permit fees for fiscal years subsequent to 2000-01 shall be increased by three percent each year over those charged the previous fiscal year. Each year the Controller shall review the fees which would be charged in the next fiscal year and shall file a report with the Board of Supervisors no later than May 15th which may be accompanied by a proposed ordinance readjusting the next year's fee rates only if the proposed ordinance is necessary to ensure that (A) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (B) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.*~~

SEC. 249.12. FOOD VENDING MACHINES.

(a) Every person, firm or corporation engaged in the business of operating food vending machines shall pay a fee of ~~*$63*~~*$177*. Said fee is due and payable on an annual basis starting October 1st.

(b) In addition to the fee prescribed in Subsection (a) of this Section every permittee shall pay an annual fee of ~~*$4*~~*$5* for each vending machine operated in said business. The fee prescribed herein shall not be prorated.

(c) The fee prescribed in Subsection (b) of this Section shall be credited to the fee payable in Subsection (a) but said credit shall not exceed $60.

SEC. 249.13. WELLS AND WELL WATER.

(a) Every person, firm or corporation engaged in operating wells that require a permit from the San Francisco Department of Public Health shall pay an annual permit fee of ~~*$44*~~*$47* to the Tax Collector. For the purpose of this Section, the term "well" shall have the same meaning as that in Section 659 or Article 12B of the San Francisco Health Code.

(b) The permit fee shall be due and payable annually in advance on the first day of January of each year. Fees for new permit issued prior to or after January 1st, or in any subsequent calendar year, shall be prorated to January 1st, on a monthly basis.

SEC. 249.14. CERTIFIED TESTERS.

Every person who is not a City employee and who is engaged in testing backflow prevention or cross-connection control devices for which a certificate is required from the Department of Public Health shall pay fee(s) to the Tax Collector prior to the issuance of said certificate, as follows:

(a) Initial application for certification: $159.

(b) Training for certification: $115.

(c) Examination for certification: $78.

(d) Seals or tags: *~~$10~~*_*$11*_ each.

(e) Annual license fee and recertification fee: *~~$78~~*_*$84*_.

The fees for annual licenses shall be prorated to January 1st on a monthly basis. All fees are nonrefundable.

SEC. 249.16. TOBACCO SALES PERMIT FEE.

Every person, firm or corporation engaged in tobacco sales shall pay an annual permit fee of *~~$175~~*_*$188*_ to the Tax Collector.

SEC. 249.20. MEDICAL CANNABIS DISPENSARY LICENSE FEE.

Every person, firm or corporation engaged in operating a medical cannabis dispensary shall pay an annual license fee of *~~$3,100.00~~*_*$3,919*_ to the Tax Collector to cover the costs of annual inspections, enforcement and other costs to the City. *~~Beginning with fiscal year 2006-~~*

~~*2007, the annual license fee may be adjusted each year, without further action by the Board of Supervisors, to reflect changed in the relevant Consumer Price Index, as determined by the Controller. No later than April 15th of each year, the Tax Collector shall submit the annual license fee to the Controller, who shall apply the price index adjustment to produce a new annual license fee for the following year. No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new annual license fee and certifying that: (a) the annual license fee produces sufficient revenue to support the cost of providing the services for which the annual fee is being charged and (b) the annual license fee does not produce revenue that exceeds the costs of providing the services for which the annual license fee is charged. Notwithstanding the procedures set for the in this Section, the Board of Supervisors, in its discretion, may modify the annual license fee by ordinance at any time.*~~

Section 2. The San Francisco Health Code is hereby amended by amending Sections 258, 1009.54, 1927, and 3304 to read as follows:

SEC. 258. LICENSE FEES.

(a) Upon approval of an application for a permit to engage in the practice of tattooing, the Director of Public Health shall forward the permit therefor to the Tax Collector, who, upon payment of the license fee hereinafter provided shall issue the permit to the designated permittee.

Every person engaged in the business of conducting, managing or operating any establishment for the practice of the art of tattooing shall pay a license fee of ~~*$129*~~*$1372* per year, or for any portion of a year, payable annually in advance.

(b) Beginning with fiscal year 2008-2009, the fee set forth in this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.

Not later than April 1 , the Director shall report to the Controller the revenues generated by the fee for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fee has produced or is projected to produce revenues sufficient to support the costs of providing the services for which the fee is assessed and that the fee will not produce revenue which is significantly more than the costs of providing the services for which the fee is assessed.

The Controller shall, if necessary, adjust the fee upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted fee shall become operative on July 1.

SEC. 1009.54. FEES FOR PERMIT.

(a) The Department shall charge every applicant for a tobacco sales permit a non-refundable application fee for the initial inspection and processing of the application and an annual license fee sufficient to cover the costs of annual inspections, as determined by the Director. The application and processing fee shall be ~~*$50*~~*$53* and is otherwise governed by section 35 of the San Francisco Business and Tax Regulations Code. The annual fee is listed in section 249.16 of the San Francisco Business and Tax Regulations Code.

(b) Beginning with fiscal year 2008-2009, fees set forth in this Section and referred to in this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.

Not later than April 1 , the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other *information that the Controller determines appropriate to the performance of the duties set forth in this Section.*

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue which is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

SEC. 1927. FEES.

(a) The application fee for a massage practitioner permit, as provided in Section 1902, shall be ~~*$100.00*~~*$116*. The annual license fee for a massage practitioner, as provided in Section 1906, shall be ~~*$75.00*~~*$86*.

(b) The application fee for a massage establishment, as provided in Section 1909, shall be ~~*$240.00*~~*$394*. The annual license fee for a massage establishment, as provided in Section 1920, shall be ~~*$600*~~*$694*.

(c) The application fee for a solo practitioner massage establishment, as provided in Section 1909, shall be ~~*$240*~~*$394*. The annual license fee for a solo practitioner massage establishment, as provided in Section 1920, shall be ~~*$400*~~*$464.*

(d) The application fee for an outcall massage services permit, as provided in Section 1909, shall be ~~*$240.00*~~*$278*. The annual license fee for an outcall massage service, as provided in Section 1920, shall be ~~*$200*~~*$231*.

(e) An advanced massage practitioner holding a solo practitioner massage establishment permit shall not be required to pay any additional permit or annual license fee for an outcall massage service permit.

(f) ~~*Beginning with fiscal year 2004-2005, fees set in this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.*~~

~~*No later than April 15th of each year, the Health Department shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.*~~

~~*No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.*~~ *Beginning with fiscal year 2008-2009, fees set forth in this Article may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.*

Not later than April 1 , the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue which is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

SEC. 3304. APPLICATION FOR MEDICAL CANNABIS DISPENSARY PERMIT.

(a) Every applicant for a medical cannabis dispensary permit shall file an application with the Director upon a form provided by the Director and pay a non-refundable permit application fee of ~~*$6691.00*~~*$8,459* to cover the costs to all City departments of investigating and processing the application and any applicable surcharges, exclusive of filing fees for appeals before the Board of Appeals. ~~*Beginning with fiscal year 2006-2007, the application fee may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. No later than April 15th of each year, the Health Department shall, in collaboration with the Tax Collector's Office, submit the application fee to the Controller, who shall apply the price index adjustment to produce a new application fee for the following year. No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new application fee and certifying that: (a) the application fee produces sufficient revenue to support the costs of providing the services for which the annual fee is being charged and (b) the application fee does not produce revenue that exceeds the costs of providing the services for which the application fee is charged. Notwithstanding the procedures set forth in this Section, the Board of Supervisors, in its discretion, may modify the application fee by ordinance at any time.*~~ *Beginning with fiscal year 2008-2009, fees set forth in this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.*

Not later than April 1 , the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue which is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

(b) The permit application form shall provide clear notice to applicants that the California Fire Code includes a requirement, among others that may apply, that an establishment obtain a place of assembly permit if it will accommodate 50 or more persons based on its square footage.

(c) The applicant for a medical cannabis dispensary permit shall set forth, under penalty of perjury, following on the permit application:

(1) The proposed location of the medical cannabis dispensary;

(2) The name and residence address of each person applying for the permit and any other person who will be engaged in the management of the medical cannabis dispensary;

(3) A unique identifying number from at least one government-issued form of identification, such as a social security card, a state driver's license or identification card, or a

passport for of each person applying for the permit and any other person who will be engaged in the management of the medical cannabis dispensary;

(4) Written evidence that each person applying for the permit and any other person who will be engaged in the management of the medical cannabis dispensary is at least 18 years of age;

(5) All felony convictions of each person applying for the permit and any other person who will be engaged in the management of the medical cannabis dispensary;

(6) Whether cultivation of medical cannabis shall occur on the premises of the medical cannabis dispensary;

(7) Whether smoking of medical cannabis shall occur on the premises of the medical cannabis dispensary;

(8) Whether food will be prepared, dispensed or sold on the premises of the medical cannabis dispensary; and

(9) Proposed security measures for the medical cannabis dispensary, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

(e) If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation, and the names and residence addresses of each of the officers, directors and each stockholder owning more than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporation apply.

(f) The Director is hereby authorized to require in the permit application any other information including, but not limited to, any information necessary to discover the truth of the matters set forth in the application.

(g) The Department of Public Health shall make reasonable efforts to arrange with the Department of Justice and with DOJ-certified fingerprinting agencies for fingerprinting services and criminal background checks for the purposes of verifying the information provided under Section 3304(c)(5) and certifying the listed individuals as required by Section 3307(c)(4). The applicant or each person listed in Section 3304(c)(5) shall assume the cost of fingerprinting and background checks, and shall execute all forms and releases required by the DOJ and the DOJ-certified fingerprinting agency.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Cecilia T. Mangoba
CECILIA T. MANGOBA
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080744 **Date Passed:**

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, 249.7, 249.11, 249.12, 249.13, 249.14, 249.16, and 249.20; and the San Francisco Health Code by amending Sections 258, 1009.54, 1927, and 3304 relating to fees for licenses, permits and inspections by the Department of Public Health.

July 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 22, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080744

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 22, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7.30.08

Date Approved

Mayor Gavin Newsom

File No. 080744

FILE NO. 080743 ORDINANCE NO. 150-08

[Hazardous Waste Soil Analysis Fees.]

Ordinance amending Section 1237 of the San Francisco Health Code to increase fees for hazardous waste soil analysis and add provisions for the Controller to adjust annually, and making environmental findings.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ____________ and is incorporated herein by reference.

Section 2. The San Francisco Business and Tax Regulations Code is hereby amended by amending Section 1237, to read as follows:

SEC. 1237. FEES.

(a) The Director is authorized to charge the following fees to defray the costs of document processing and review, consultation with applicants, and administration of this Article: (1) an initial fee of ~~*$390*~~*$501*, payable to the Department, upon filing a site history report with the Department; and (2) an additional fee of ~~*$130*~~*$167* per hour for document processing and review and applicant consultation exceeding three hours or portion thereof, payable to the Department, upon filing of the certification required pursuant to Section 1229.

(b) Beginning with fiscal year 2008-2009 and annually thereafter, the fees set forth in this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.

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Not later than April 1 , the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue which is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Cecilia T. Mangoba
Cecilia T. Mangoba
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 080743 **Date Passed:**

Ordinance amending Section 1237 of the San Francisco Health Code to increase fees for hazardous waste soil analysis and add provisions for the Controller to adjust annually, and making environmental findings.

July 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 22, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080743

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 22, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7·30·08

Date Approved

Mayor Gavin Newsom

File No. 080743

Utica/Omaha, NE
Houchen
Bindery Ltd
[illegible]